The Solicitors' Journal.

LONDON, OCTOBER 21, 1882.

CURRENT TOPICS.

WE PRINT elsewhere the order of transfer to Mr. Justice KAY of Vice-Chancellor HALL'S causes, to which we referred last week as shortly to be issued.

IT IS UNDERSTOOD that Mr. Justice CHITTY will, on Mr. Justice NORTH'S departure on circuit, take his place at the Judges' Chambers until the commencement of the Michaelmas Sittings.

"ONE MAIN REASON," said the President of the Incorporated Law Society at Hull, speaking with reference to his refusal to sign the Remuneration Order, "which induced me, after careful consideration, to take the course I did, was that, *having regard to a possible revision of the Order at a future date*, it might put the profession in a somewhat better position, that one of its special representatives upon the Tribunal should have dissented from the Order as it now stands, though it is almost unnecessary to state there were many portions of it in which I fully concurred." Is it to be understood from this that there is a prospect of a "revision of the Order"? The Act provides that the Tribunal may revoke or alter any order made by it, but we fear there is not much chance of this power being exercised at an early date. It is to be observed, however, that the President of the Provincial Law Society, who is a member of the Tribunal, is to be nominated from time to time by the Lord Chancellor; and it may be that hereafter the Tribunal will be so constituted as to bring the views of the solicitor members into unison.

AT NO TIME since the institution of the provincial meetings of the Incorporated Law Society have the questions of the day possessed graver importance for solicitors, yet at no provincial meeting has there been less discussion of the questions of the day than at the recent meeting. Changes of the utmost importance in the system established by the Judicature Acts are impending; they were briefly noticed in the president's address, but not a word appears to have been said about them in any of the papers or discussions. An Order has been issued under the Solicitors' Remuneration Act so unsatisfactory to London practitioners that the President of the Incorporated Law Society refused to append his signature; in his address he evidently anticipated that there would be keen debate on the subject, yet no public discussion took place and no suggestions were made either in favour of or against the course recommended by Mr. RUBENSTEIN; probably because time did not allow of any lengthened debate. Most of the papers, valuable and well-written as they were, related to matters which would have been just as appropriate for last year's meeting or any previous meeting. If this state of things is to be continued, the annual provincial meeting will soon cease to exist. An effort should be made next year to prevent this result, by making the papers and discussions fewer in number and of more immediate interest. Two or three leading topics of the day should be selected, and papers upon them invited from members of the society possessing special knowledge of the subject, and full discussion should be allowed and encouraged. Unless this is done, the provincial meeting will have little effect upon professional or public opinion, or upon the action of the council of the society.

THE MARQUIS OF SALISBURY, in charging the grand jury at the Hertford Quarter Sessions this week, made some well-timed observations on the habit of police constables to interrogate persons on their arrest. The practice is extremely prevalent in rural districts, and it is distinctly opposed to the principles on which criminal justice is administered in this country. It is to be regretted that the rule as to the proper conduct of the policeman, which was laid down many years ago by Lord DENMAN in a case at the Maidstone Assizes, has been so much lost sight of. Addressing several policemen who were called as witnesses, the Chief Justice said:—"The distinction is very clear; you are not to suppress the truth, but you are not to take any measures of your own to endeavour to extort it." This seems to mark the reasonable compromise between, on the one hand, shutting out statements voluntarily made by prisoners to policemen, which often constitute a valuable means of arriving at the truth, and, on the other hand, encouraging irregular cross-examination of prisoners on their arrest. The Indian Evidence Act goes to one extreme by providing (section 25) that "no confessions made to a police officer shall be proved as against a person charged with any offence," and it may be questioned whether the tendency of some magistrates and judges has not been of late rather towards the other extreme, by receiving, without remark, evidence of confessions made in answer to cross-examination by police-constables. We are glad to observe that Mr. Justice HAWKINS, in a preface which he has written to Mr. HOWARD VINCENT'S Police Code, just issued, has impressed on the police the rule laid down by Lord DENMAN. He says: "When a constable has a warrant to arrest, or is about to arrest a person on his own authority, or has a person in custody for a crime, it is wrong to question such person touching the crime of which he is accused. For a constable to press any accused person to say anything with reference to the crime of which he is accused is very wrong. There is, however, no objection to a constable listening to any mere voluntary statement which a prisoner desires to make, and repeating such statement in evidence; nor is there any objection to his repeating in evidence any conversation he may have heard between the prisoner and any other person. But he ought not, by anything he says or does, to invite or encourage an accused person to make any statement, without first cautioning him that he is not bound to say anything tending to criminate himself, and that anything he says may be used against him. Perhaps the best maxim for a constable to bear in mind with respect to an accused person is, 'Keep your eyes and your ears open, and your mouth shut.' By silent watchfulness you will hear all you ought to hear. Never act unfairly to a prisoner by *coaxing* him by word or conduct to divulge anything. If you do, you will assuredly be severely handled at the trial, and it is not unlikely your evidence will be disbelieved."

AMONGST THE MANY ACTS of difficult interpretation which have been passed in the present session, the short but important County Courts (Costs and Salaries) Act, 1882 (45 & 46 Vict. c. 57), is especially noticeable. The 2nd section enacts that "so much of section 91 of the County Courts Act, 1846, as is still in force is hereby repealed, and the following provisions shall take effect in lieu thereof." The "following provisions" are to the effect that, with a saving for the rights of barristers, no other person than a solicitor may take a fee for appearing in a county court, and these provisions substantially re-enact an unrepealed portion of section 91 of the Act of 1846, of which the first two paragraphs were repealed by the County Court Act, 1852 (15 & 16 Vict. c. 54), s. 10. But section 91 of the Act of 1846 contained in its other paragraphs provisions of the highest importance to the profession, inasmuch as they limited county courts costs both as between party and party, and as between solicitor and client, the limit being £1 3s. 6d. for counsel in any case, and fifteen shillings or ten shillings for the solicitor in proportion to the amount claimed. All this is repealed; but whether by accident or on purpose,

section 36 of the County Court Act, 1856 (19 & 20 Vict. c. 108), is not included in the repeal. This section provides that "Where in any *action* the debt or damage claimed shall not exceed twenty pounds, an attorney shall not be entitled to recover from his client any further costs or charges in the conduct of such *suit* than those mentioned in the ninety-first section of the Act of the ninth and tenth years of the reign of her present Majesty, chapter ninety-five, unless upon taxation of costs the registrar be satisfied, by writing under the hand of the client, that he has agreed to pay further costs or charges; and in such case the registrar may allow any costs or charges not exceeding the amount which may have been so agreed to be paid." Now, it is a well-known rule of construction (see *Reg.* v. *Smith*, L. R. 8 Q. B. 146, and the cases there cited) that where statute B. incorporates statute A., and statute A. is afterwards repealed by statute C., the incorporated part of statute B. remains still in force. Therefore, as between solicitor and client, and so far as regards claims of £20 or less, the repealed 91st section of the Act of 1846, with the limits of costs and charges "mentioned" therein, is still in full force, unless the client (to whom it would be somewhat difficult to explain the effect of *Reg.* v. *Smith*) should have agreed in writing to exclude its operation. This mode of legislation is a little inartistic.

A CORRESPONDENT writes:—"I am a good deal perplexed as to the effect of the 56th section of the Settled Land Act, 1882. If I understand the 2nd sub-section aright, it will, in one numerous class of cases, seriously hinder sales and leases of land, contrary to the professed object of the Act. This 2nd sub-section is as follows:—'But, in case of conflict between the provisions of a settlement and the provisions of this Act, relative to any matter in respect whereof the tenant for life exercises or contracts or intends to exercise any power under this Act, the provisions of this Act shall prevail; *and accordingly, notwithstanding anything in the settlement, the consent of the tenant for life shall, by virtue of this Act, be necessary to the exercise by the trustees of the settlement or other person of any power conferred by the settlement exerciseable for any purpose provided for in this Act.*' Now, by section 2 (6), if two or more persons are entitled as tenants in common or joint tenants or for other concurrent interests, they together constitute the tenant for life for the purposes of the Act. Also, by section 63 (1), two or more persons entitled concurrently for any limited period to the income of property settled upon trust for sale shall be deemed the tenant for life. Consequently, if the second half of this sub-section is to have full effect given to it, if a testator has left his real estate upon trust for sale, and settled the proceeds in shares upon half-a-dozen children and their issue, not a single sale or lease within the Act's leasing powers can be effected without the consent of all the tenants for life. Even if all the parties are in England and act harmoniously, this obtaining six consents in every case will greatly increase the expense of realizing and managing the estate. But one or more of the tenants for life may be abroad in India or Australia. Also one or more of them may differ from the others, or from the trustees, in which case nothing can be done except under the direction of the court under the 3rd sub-section, which will involve further expense. By section 2 (1) the Act will apply after the 1st of January to all existing settlements by deed or will, and therefore, if I understand this sub-section aright, it will oblige trustees who have hitherto been leasing and selling at their discretion (their settlors or testators not having thought it advisable to hamper them by any obligation to obtain the consent of the parties interested) to change their settled course of procedure and obtain the consent of all persons coming within the very comprehensive definitions of tenant for life. The latter italicised half of the sub-section is connected with the former half by 'accordingly,' and it has been suggested to me that this may, perhaps, limit its scope to cases where the tenant for life exercises, or contracts, or intends to exercise any power, but I do not see how this limitation is to be made out. The only object of the sub-section seems to be to prevent the exercise of powers by the trustees from interfering with the exercise of the statutory powers by the tenant or tenants for life. Would it not be sufficient to give the tenant for life, or (if more than one) all the tenants for life, power to prohibit the trustees from exercising any powers they wish to exercise themselves?"

THE TELEGRAM relating to the conditions on which counsel are to be allowed to appear for ARABI is not very clear, but, we take it, the meaning is that the preliminary inquiry or "instruction" is to be conducted in private, according to the usual practice in Egypt, and that Mr. BROADLEY and Mr. NAPIER are to be allowed to conduct the defence at the subsequent public trial. Mr. BROADLEY, it is understood, speaks Arabic, and, as the trial will be conducted in that language, the main burden of the defence will rest with him.

THE MARRIED WOMEN'S PROPERTY ACT.

II.

THE 1st section of the Act, which we examined in our last article, seems to be applicable to all married women, without any reference to the time at which they were married; and it seems only to define the sense in which property, if acquired by a married woman under the Act, shall be separate estate, without declaring under what conditions or circumstances property shall be so acquired. This important question is dealt with chiefly in sections 2 and 5; of which the latter treats of property coming to women married before the Act's commencement by a subsequently accruing title, and the former deals with the property of women married after the Act's commencement. It will be observed that property belonging to women married before the Act's commencement, the title to which has already accrued, or shall accrue at any time during the residue of the now current year, before the commencement of the Act on the first of January next, is left untouched and remains subject to the existing law.

It will be convenient to refer first to the section which affects women already married; that is, section 5:—

"5. Every woman married before the commencement of this Act shall be entitled to have and to hold and to dispose of in manner aforesaid as her separate property all real and personal property, her title to which, whether vested or contingent, and whether in possession, reversion, or remainder, shall accrue after the commencement of this Act, including any wages, earnings, money, and property so gained or acquired by her as aforesaid."

So far as wages and earnings are concerned, this enactment only repeats, with reference to *all* wages and earnings, the provisions of section 1 of the Married Women's Property Act, 1870. The words "so gained or acquired by her as aforesaid," apparently refer to the words of section 2 of the new Act, "gained or acquired by her in any employment, trade, or occupation, in which she is engaged, or which she carries on separately from her husband, or by the exercise of any literary, artistic, or scientific skill." Here the words, "which she carries on," seem to contemplate trade carried on by her by herself, and the words, "in which she is engaged," seem to contemplate trade carried on in partnership. But it is to be noticed that the new Act suggests by its punctuation that the words, "separately from her husband," relate only to the words, "which she carries on"; and that a married woman's earnings in any trade "in which she is engaged," even though it be in domestic *quasi*-partnership with her husband, will will also be her separate estate under the future law. The Act of 1870 contains no such suggestion; and it is not probable that the present Act will be differently construed.

So far as items of property other than wages and earnings are concerned, the present Act effects a great theoretical extension of the principle of its predecessor; the latter (so far as the present branch of the subject is concerned) affecting only (1) personal property coming to a married woman by an intestacy; (2) personal property coming to her by deed or will, and not exceeding £200 in value; and (3) the rents and profits of real estate descending to her by an intestacy. The new enactment differs from the old in some important respects, not only abolishing the *maximum* limit formerly imposed upon personal property coming to the married woman by deed or will, and securing to her the rents and profits of real estate coming to her otherwise than by an intestacy; but also conferring upon her absolute power to dispose of the *corpus* of all her real estate without her husband's concurrence.

We have already said that, in our opinion, there is reason to doubt whether the practical effect of this seemingly wide enactment will be very great. It is probable that the superseded enactment applies to nearly every case in which unsettled prop-

erty ever does actually come to a married woman; and it is tolerably certain that the promoters of the old Act entertained this opinion. This is, in fact, the reason which is commonly given for the shape taken by sections 7 and 8 of the Act of 1870. Since the present Act expressly abstains (section 19) from interfering with the effect of existing or future settlements, it follows that, in so far as the above-mentioned opinion is well founded, this important-looking change in the law will practically have very little operation.

With regard to the effect of the section now under consideration, some curious doubts might be raised, which were evidently not foreseen, and have therefore not been provided against. What is the effect of the section upon the marriage settlements of women already married which contain covenants to settle after-acquired property of the wife? Section 19, to which we have above alluded, which provides that the Act shall not interfere with settlements, does not seem to affect this question; for a covenant to settle does not seem to be a settlement. In modern settlements such so-called covenants are commonly (but not very properly) expressed in the form of an "agreement and declaration," which is construed as a covenant, although it is more properly adapted to serve as a bar to an equity. Suppose that some property should devolve, in right of a title accruing after the Act's commencement, upon a woman previously married; and suppose, further, that she should refuse to settle, or concur in settling, it. What would be the result? Could a decree for specific performance of her *quasi*-covenant or contract be obtained against her, followed by an attachment for contempt if she should refuse to obey it? We find nothing in the Act to warrant this conclusion. Such a proceeding seems to have no resemblance to the civil suits contemplated in section 1; and, if possible, it seems to have still less resemblance to the criminal proceedings contemplated in section 16; nor do we perceive that it comes under the head of a husband suing his wife "for a tort," even granting this last proceeding to be within the purview of section 12. It may perhaps be suggested that the wife could, in such a case, be sued for damages, to be recovered out of her separate estate, for her breach of contract. This may, perhaps, be not improbable; but we must take account of all its possible contingencies. The wife might have no separate estate except the separate estate in dispute; and since she was not possessed of, or even entitled to, this property at the time when she entered into the alleged contract, a grave question arises, whether the contract in any way binds it. The contract would certainly not have bound it, independently of the Act; and this suggests yet another question:—Has section 1, sub-section (4), a retrospective effect? and does it apply to contracts made before the commencement of the Act? Its language seems rather to suggest the contrary; but the canons of interpretation in use at the present day are so largely determined by the necessity of finding some meaning for obscurities, and are capable of effecting such odd results, that we will not venture to give any decided opinion.

So far we have been considering only the difficulty of compelling the wife to fulfil her *quasi*-contract. But other questions may arise *ex parte mariti*. If it should be found impossible to compel the wife to fulfil her contract, it will follow that the husband also will have failed to fulfil his. Could he then be sued for this breach? There is no doubt whatever, that A. is competent, if he chooses, to covenant with B. that C. shall do something; and then, if C. refuses, it is no defence, in an action by B., for A. to plead that he has done his very best to persuade C. to fulfil the covenant. We think that all the above-mentioned questions deserved from the ingenious framers of the Act a great deal more attention than they appear to have received.

There is no need to cite at length section 2, which deals with the property of women married after the Act's commencement. In such cases, "all real and personal property," whether belonging to the woman at the time of marriage, or subsequently acquired by her, is made her "separate property." Our remarks upon the limited practical scope of section 5 are equally applicable to section 2; but the latter, apparently by happy accident rather than design, is somewhat less awkwardly contrived, though not less awkwardly worded. Its general effect will sufficiently appear from the foregoing remarks.

Though there is no reason to suppose that marriage settlements will be less useful, and therefore less usual, after the Act's commencement than they are now, it may perhaps (though this is a very doubtful conclusion) become customary to insert only in special cases the provision for the settlement of after-acquired property, which is now inserted almost as a matter of course. If this should be the case, any inconvenience which may be caused by doubts such as those above mentioned, will tend to diminish with the progress of time. Moreover, there seems to be no doubt that, if the settlement were executed after the Act's commencement, the wife might be sued upon the contract and the judgment would bind the after-acquired property in dispute.

The main interest and importance of the Act is contained in the sections which we have noticed. There remain numerous further details, some of which are too curious to be passed over in silence. We reserve some mention of these for a concluding article.

REVIEWS.

BILLS OF SALE ACTS.

THE LAW RELATING TO BILLS OF SALE; WITH NOTES UPON FRAUDULENT ASSIGNMENTS AND PREFERENCES, AND THE DOCTRINE OF REPUTED OWNERSHIP IN BANKRUPTCY. By STUART MACASKIE, Barrister-at-Law. Butterworths.

THE LAW OF BILLS OF SALE, AS MODIFIED BY THE BILLS OF SALE ACT (1878) AMENDMENT ACT, 1882. By H. NEWSON, Barrister-at-Law. W. Clowes & Sons.

A CONCISE, PRACTICAL TREATISE ON THE LAW OF BILLS OF SALE, EMBRACING THE BILLS OF SALE ACTS OF 1878 AND 1882. By JOHN INDERMAUR, Solicitor. Stevens & Haynes.

The Act for the amendment of the law with regard to bills of sale, which comes into operation upon the 1st of November next, is already proving a copious source of literary activity. Of the books already before us (to others of which we shall refer next week) some aim merely at being immediate practical guides to the practitioner in the perplexity in which he is now likely to find himself, others attempt a more general statement of the law; and amongst the writers who have had the latter object in view, Mr. Macaskie appears to us to be *facile princeps*. His endeavour has been to produce an exhaustive text-book upon the whole law relating to bills of sale. The accuracy of such a book is only to be ascertained by the test of a constant practical reference to it. But Mr. Macaskie's work is certainly worthy of being submitted to the test. Neither confining himself to general propositions on the one hand, nor cumbering his pages with the special facts of reported cases on the other, he states the effect of all the decisions of the courts with that ease, precision, and lucidity which indicate a complete mastery of the subject. It may be doubted perhaps whether the "sectional" method of treatment here adopted, by which each section of an Act is made the text for a separate disquisition, is the most useful where an author is endeavouring to write, not upon a single Act of Parliament, but upon one entire branch of the law. But the usefulness of the method adopted is to be judged by the success attained in dividing the subject logically, without need for reiteration or constant cross-references, and there seems to be upon this point no room for adverse criticism. A noteworthy feature in the book is the reference to every series of reports in which each case cited is to be found, and another is the use made of the cases to be found in the subsidiary but not in the authorized reports (for instance, we find, turning haphazard over the pages, cases cited on pp. 42, 47, 60, 77, 83, 97, 109, 112, and 162 which are reported in the WEEKLY REPORTER alone). Indeed, the book is essentially a text-book or statement of the law as it is to be found in the decided cases. With regard to the doubts to which the practitioner will be introduced by the operation of the Act of 1882, not much light is here, or perhaps can be anywhere, given. Modest opinions are offered upon some of the questions of construction which that Act raises. But these difficulties are not completely discussed, or even enumerated, as witness the author's silence upon the doubts arising upon the meaning of almost every section of the Act by reason of the limitation of its operation to bills given by way of security for the payment of money. A statement of the law as it is, however, is more valuable than any text-writer's opinion with regard to what it is likely hereafter to be held to be, and it is in this regard that we commend Mr. Macaskie's book to our readers.

With regard to Mr. Newson's little book, not much more can be said than that it contains a neat and handy reprint of the Acts and that some of the chapters are fair summaries of the law. The author can hardly be said, however, to have that grasp of the general subject which could make his book a satisfactory guide to persons unacquainted with the elements of it, and those who are already so acquainted will look for a more comprehensive treatment of the subject than they will find here.

For short, clear, practical directions as to the future dealing with property by means of bills of sale, and for an outline of principles which will make the general bearing of the law easily comprehensible to those not familiar with it, Mr. Indermaur's volume, which is nearly of the same size as that last noticed, may be found very useful. There are passages which contain propositions requiring qualification or increase of precision, as where "the only things on the demised premises excepted from the landlord's right" of distress are enumerated absolutely, without reference to statutory exceptions, such as those created in respect of hired machines in factories by 6 & 7 Vict. c. 40, and in respect of rolling stock by 35 & 36 Vict. c. 50; and where, in the section upon the order and disposition clause, the author seems to say that, after the 1st of November, 1882, the security of a registered bill of sale holder will need to be perfected by getting the goods out of the grantor's apparent possession—a statement which is perfectly unintelligible, and which must be due to some slip in the writer's English similar to that which, on page 13, causes him, by the omission of the word *except*, to state the exact contrary of what he intends. But, in spite of such minor errors as these, the book appears to be meritorious both in style and substance; and we may add that the suggestions which it contains as to the probable construction of the new Act are generally judicious and reasonable.

CORRESPONDENCE.

THE ACCOUNTANTS AGAIN.

[*To the Editor of the Solicitors' Journal.*]

Sir,—The Principal of Owens College in a recent speech, of which I enclose a newspaper account, refers to examinations proposed to be held by the New Chartered Institute of Accountants, the subjects including "considerable knowledge of certain branches of English law, as, for example, the rights and duties of liquidators, trustees, and receivers, the principles of the mercantile law, and the law of arbitrations and awards"; and offers to assist students. Would it be the correct thing for the solicitor branch of the profession to boycott any member of the bar who might be the lecturer selected for the above purpose? I also send you a statutory notice for creditors issued by an accountant. Such notices will probably become numerous after a few examinations have been held.

These matters may not be sufficiently important to engage the attention of the Law Society, but may have some interest for your readers. C.

CASES OF LAST WEEK.

BEFORE THE VACATION JUDGE.

Order of Revivor—Ord. 50, r. 4—Foreign Executors.—In the case of *Morrice and others* v. *Smart and others*, before North, J., on the 11th inst., counsel moved to discharge an order which had been made for reviving this suit against new defendants, who were the foreign executors of Smart, the original defendant. Smart had died abroad possessed of property in New South Wales and not having any property in this country, and his will had been proved in the New South Wales courts by the new defendants. Smart had been an accounting party in default. The plaintiffs had obtained the common order of revivor upon the representation that Smart was dead, and that the new defendants were his personal representatives. Counsel for the plaintiffs contended that under ord. 50, r. 4, the foreign executors were properly made parties; that they were Smart's personal representatives, and, inasmuch as he had no property elsewhere than in New South Wales, his only possible representatives; that there was a "transmission" of Smart's "interests" and "liabilities" to them within the meaning of ord. 50, r. 4, and that if not, the plaintiff's action would be defeated by defendant's death, which was what the rule aimed at preventing. They relied upon the case of *Jamieson* v. *Marshall*, decided by his lordship in the early part of this year, and which was reported in 46 L. T. N. S. 480. North, J., after referring to the report of *Jamieson* v. *Marshall*, said that there was some error somewhere. He was quite satisfied he had not decided the case as reported in the *Law Times*, or at any rate he had not intended so to decide it. In any case, the decision as reported was wrong, and was not binding upon him. It was clear that foreign executors of a foreign estate could not take in this country any "transmission of interest or liability" without obtaining representation here. The order of revivor was wrongly obtained, and must be discharged with costs, to include the costs of the conditional appearances entered by the foreign executors.

On Wednesday a meeting of the justices for the city of Manchester was held for the purpose of considering the appointment of a successor to the late Mr. Higson, who was clerk to the justices for a period of forty-three years. It was unanimously resolved that Mr. Samuel Millner Barton, solicitor, of Manchester, who has been officially connected with the police-court for a considerable number of years, should be appointed to succeed Mr. Higson.

SOCIETIES.

INCORPORATED LAW SOCIETY.

[From our Special Reporter.]

The Incorporated Law Society held its ninth annual provincial meeting on Tuesday and Wednesday, the 17th and 18th inst., at the Royal Institution, Albion-street, Hull.

The members were warmly welcomed to the town by the Mayor of Hull, Mr. Alderman Leake, who wore his chain of office. He remarked that the duty was doubly pleasing, inasmuch as he himself was a lawyer. Mr. Thomas Paine, of London, President of the Incorporated Law Society, then took the chair.

THE PRESIDENT'S ADDRESS.

The President delivered the opening address.

After some introductory observations he said:—As years roll on, the difficulty of those filling the position I have now the honour to hold in finding a fit subject for an opening address on these occasions increases. The special branches of our profession which can be made generally interesting are few, and several of these have been dealt with by some of my predecessors in a way which leaves no room to follow them, until the lapse of years may have created a new condition of circumstances. I have, therefore, after consideration, deemed it expedient to devote this address to a general survey of the results of the more recent legislation (confined chiefly to that of the session just virtually concluded) peculiarly affecting lawyers, accompanied by a few remarks on professional subjects, which may be interesting to those present. It will be found, I think, that although, according to the general opinion the session has been almost wasted in the apparently everlasting discussions upon Irish affairs, this is by no means an accurate view as regards those legislative measures which are specially interesting to us, and that the alterations made in more than one important branch of our law have been greater and more extensive than for some years past, while in another direction a step has been taken towards that codification which is so desirable, but has hitherto seemed so difficult of attainment. I would propose commencing our survey with real property law. There must be many in this room, whose entry into the profession, like my own, nearly corresponded with the time at which the first impulse of the reforming movement was felt, and who had, as it were, to commence their studies in this branch with some research into the black letter law of fines and recoveries before they had been abolished by Brodie's masterly statute, and who had to trace the logical and beautiful sequences through which the now almost forgotten Fearne led the student in the abstruse subject of the law of contingent remainders. I will not take up your time by further referring to the changes which followed during the earlier years of the present reign, and which up to the year 1879 were all presented to you in the exhaustive paper on the subject, read at the Cambridge meeting of our society in that year, by one of my predecessors in this chair. Mr. Lawrence's address contained a long series of recommendations of further changes and improvements in real property law, a large number of which have been since substantially carried out by the enactments we are about to consider; and it is, I think, a subject of legitimate pride to us, that in lieu of the obstructive tendencies and passive resistance to all change with which our profession is frequently credited, the fact should be that the most important practical suggestions which have of late years been made towards removing the remaining anomalies, and simplifying the practice of our real property law, owe their origin to a solicitor. Commencing, therefore, with the department of real property law, we shall find it convenient to consider together the Conveyancing Acts of 1881 and 1882. The leading provisions of the former will ere this have become familiar to the great majority of us. It is, I think, indisputable that the effect of these Acts will be to bring about very much of a revolution in conveyancing practice as hitherto carried out; for not only will the common conveyancing documents be reduced to brief dimensions in the great majority of cases, but alterations of detail on various points of law bearing chiefly upon conveyancing practice have been made. The provisions of the Vendor and Purchaser Act, 1874, as to title and evidence of title, are supplemented and completed, so that a number of the ordinary conditions of sale can hereafter be dispensed with. Covenants for production of deeds will share the fate of their old and long deceased relations, assignments of satisfied terms. The meaningless duplicate receipt for the consideration money on deeds is abolished, and common sense has prevailed in the enactment, that a solicitor acting for a client and obtaining his execution of a deed is to be presumed to be clothed with authority on his behalf to receive for him the purchase or mortgage money payable thereunder. The provisions affecting leases, as to apportionment of rent, covenants, and conditions, are also plainly in accordance with the requirements of modern business, as well as the valuable sections limiting and restricting the powers of forfeiture of leases. Leasehold interests, especially in large cities, have become so important, that it is almost matter for wonder how this necessary amendment in the law, which has been long called for, can have been delayed until now. The necessity of referring to survivorship in giving powers to joint trustees, and in advances by joint mortgagees, is done away with. Lord Cranworth's Act is partially repealed, and fuller and more useful powers for mortgagees and trustees, which are to be incident to all future transactions, substituted. The mortgagor is to have (as certainly he ought) the right of getting at his deeds, and the unfair consolidation rule as to mortgagees will in future transactions be greatly restricted, and practically abolished. Objection has been taken, I think without reason, to the power given to mortgagors to grant leases without the concurrence of mortgagees, and a disposition shown in some quarters to make a stipulation to the con-

trary in arranging for large mortgages. The true view of the matter is, I think, to treat the mortgagee's interest as purely a security for money; and so long as the mortgagor is not in arrear with his interest, he ought to be intrusted with the control over leases, as well as with the general management of the estate. He is the person most interested in seeing that it is properly looked after, and in a better position, and with better means of knowing than the mortgagee what ought to be done. In building estates, or others, where numerous leases are likely to be required, it is a serious additional expense and a sensible hindrance to business to require the mortgagee's concurrence in leases. I have for years, when acting for mortgagors, been in the habit of insisting upon leasing powers in mortgages of this description, and can see no valid objection to the principle being extended to all mortgages, which was evidently the view entertained by the framers of the Act. The necessity and practice of devising trust and mortgage estates will, it is to be hoped, be finally and successfully abrogated, and these are for all purposes to devolve upon the personal representative. A provision of the Act of 1881, which will be found useful, and was much wanted, is that enabling a retiring trustee to get discharged in many cases without the necessity of appointing a new trustee at the time. So also the special powers given to the court in the case of sales of land subject to incumbrances or charges which could not otherwise be discharged. The Act of 1882 contains provisions under which official searches can be made for judgments and other registered incumbrances; and purchasers, including trustees and solicitors, will be protected against all the consequences which may arise from a defective search. It is to be regretted that these are not (perhaps under the circumstances they could not be) extended to searches in a register county which (as we all of us know in Middlesex, and as, I presume, you know in Yorkshire) in the case of vendors having extensive dealings with land or house property, form a serious addition to the purchaser's expenses, which will, under the proposed new scale of payment, fall upon his solicitor. This Act also contains a desirable provision restricting the effect of constructive notice to cases in which it arises in the same transaction, and another enabling parties to appoint separate sets of trustees where, on any appointment of new trustees, any portion of the trust property has come to be held on distinct trusts from any other portion, and it alters the 79th section of the Fines and Recoveries Act, and the corresponding section of the Irish Act, so that in future acknowledgments by married women will only require a single commissioner. The two Acts contain some new and very valuable provisions on the subject of powers of attorney. Not only are all payments made and acts done in good faith under such powers protected as against the death, bankruptcy, &c., of the donor, but they may now be made expressly irrevocable either altogether or for a fixed period, not exceeding one year from date, and in such cases are not to be revoked without the concurrence of the donee, nor by the death, marriage, lunacy, unsoundness of mind, or bankruptcy of the donor during the currency of the power; and protection is given to a purchaser having taken under the power against any acts done by the donor in violation of the last-mentioned provision, or against any of the circumstances therein mentioned having occurred to him. These will no doubt be found very useful provisions, and will much facilitate the settlement of purchases and other matters in which persons living in distant colonies, or other parts of the world, are interested. A section of the Act of 1882 also imposes a restriction on executory limitations, and two others extend or clear up doubts upon two of the sections of the Act of 1881 relating to long terms and re-conveyances of mortgages. The main object and aim of the Settled Land Act is evidently to put into the hands of the tenant for life of a settled estate the fullest powers of managing and improving it and controlling its alienation which can be given consistently with due protection of the interests of those entitled in remainder, and to remove as far as possible all those evils which have arisen or been supposed to arise from the previous state of the law to the prejudice of those interested in settled estates as compared with owners in fee simple. No doubt these evils were under many of the older forms of settlement in use during previous generations, both real and considerable; and though they have from time to time been to a great extent obviated by modern practice and legislation, some remnants of them still exist. In particular, the passive resistance which had to be overcome where trustees were indisposed to act was one of these difficulties, and the decisions as to the inexpediency of the exercise of their powers of sale where there was not a distinct prospect of early re-investment of the moneys in land was another. These decisions will probably, with the view which is likely to be taken by our courts at the present day, be considered inapplicable to the exercise by tenants for life of the powers of sale given them by the new Act, or at all events their operation will be greatly limited by the number of express objects enumerated in the Act for which the money arising from sales is to be applicable towards the improvement of the estate; and by the powers of re-investment given by the first clause of the 21st section, which extends the usual *interim* power of investment in Three per Cents. to railway debenture stock. The 22nd section directs that these investments, if made, shall not be altered without the consent of the tenant for life, and thus seems to imply that such investments are no longer to be considered as *interim* only. It cannot be questioned that the effect of all these enactments, taken together, must be greatly to simplify and facilitate all dealings with real estate, and probably to as great an extent as the habits of the present generation of Englishmen will allow; for the idea of assimilating transfers of real property to those of consols is only put forward by those who are utterly unacquainted with the various modes in which an owner of English land expects to be able to deal with it, and any attempt to interfere with which he would rightly resent as a breach of his liberty. It is not unreasonable to anticipate that the ease with which, under the facilities now given, all necessary dealings in connection with real estate can be managed, will mitigate, if not stop, for some time to come the cry for a general registry, which has in fact greatly diminished in the past few years. Any system of registry, unless confined to incumbrances (and, so far, I am not prepared to contest that it would be desirable), whether a registry of assurances or of title, while having one obvious theoretic advantage, would be certain to impose a serious additional expense upon owners of property, and in the latter case—that is, if confined to a register of title and legal estate only, with a system of *cavests*—would but partially answer the chief purpose a register is designed to serve; for the equitable titles (including those to all charges protected by *cavests*) would have to be investigated in every case of the smallest complication. The success of a register of this kind in new countries like the Australian colonies, where the great majority of dealings with land are by way of simple transfer charge or discharge, is no evidence of what would be the result here; and it is, I think, a matter of tolerably safe prediction, that if ever such a register should become compulsory in this country, the members of our profession would be the chief and immediate recipients of any benefits to be derived from it, so that the view expressed above is at least a disinterested one. Passing, now, to the consideration of another Act of the late session on a subject of still more general interest, our first impression will probably be that it is enough to make our legal ancestors of two or three generations past turn in their graves. The Married Women's Property Act, 1882, marks the epoch of our having arrived at a complete reversal, at all events as regards civil rights, of the old common law doctrine of the identity of husband and wife, and of the entire sacrifice made by the latter of all her rights of property on her marriage. The new Act may be briefly, and not inaccurately, described as consisting mostly of a series of provisions under which a married woman will, as regards all rights of property, be put as nearly as possible in the same position as a single woman. For, after the 1st of January, 1883, every married woman is to be capable of holding and disposing of all classes of property, and entering into contracts, and suing and being sued thereon as if she were a *feme sole*, and every contract entered into by her is to be deemed to be entered into as intended to bind her separate estate, unless the contrary be shown; and in like manner all property devolving upon married women after the above date is to be held as their separate property (section 5), though this (by section 19) will be without prejudice to any provisions in any settlement or agreement for settlement made either before or after marriage. As to women married after the commencement of the Act, everything which they have at the date of marriage, or may afterwards become entitled to, is to be at their absolute disposal, subject always, as above referred to, to any settlement or agreement for settlement. A wife may lend to her husband out of her separate property, but in case of his bankruptcy is literally treated as a sleeping partner, and her proof against his estate is to be postponed to that of other creditors (section 3), and any property over which she may have and exercise a general power of appointment is made subject to her debts and other liabilities (section 4). The Act contains provisions enabling every married woman to hold and transfer all kinds of personal investments in her own name and without the concurrence of her husband; and she may hold such investments in her own name jointly with other persons than her husband. She is to be liable after marriage, to the extent of her separate property, for all debts, contracts, or costs made or incurred before marriage, and as between her and her husband, unless there be any agreement between them to the contrary, primarily so liable; but subject to this provision her husband is also to be liable for all such debts and liabilities to the extent only of the property acquired by him through his wife. If, therefore, any married woman should after marriage give up to her husband (as she clearly may do) all or any part of her separate property, the husband will, to this extent, and if the wife have no sufficient separate property left, be liable (but apparently not otherwise) to her ante-nuptial debts and engagements, for if the husband and wife are (as the Act directs they may be) jointly sued upon any such ante-nuptial engagement, or if the husband alone is so sued, and it is found he is not liable in respect of property acquired through his wife, he is to have judgment for his costs of defence, whatever may be the result of the action against the wife. The husband and wife are to have all kinds of civil remedies against each other in respect of their property as ordinary persons. The wife is also (section 12) to have criminal remedies against her husband for the protection and security of her separate property but these latter are not to be exercisable while the parties live together, unless in relation to some property wrongfully taken by the husband where deserting or about to desert his wife. Section 16 gives corresponding criminal remedies to the husband against the wife. Every married woman will, after the Act comes into operation, be capable of becoming an executor or trustee, and her separate estate will be responsible for all the legal liabilities of the office. Her separate estate is also to be subjected to the same liabilities for the maintenance of her husband, children, and grandchildren as the husband is now liable to. The Married Women's Property Acts of 1870 and 1874 are repealed by the new Act, which contains, in substitution for some of the clauses of the first-named Act, a much fuller and more satisfactory power to the husband and wife to effect insurances on life for the mutual benefit of each other and the children of the marriage. Under the old Act the power was only given to the husband, and if the life fell in, the insurance company could in most cases not obtain any discharge for the policy moneys, except upon an application to the court to appoint a trustee. The new Act provides (section 11) that the insured may either by the policy or any memorandum under hand appoint a trustee or trustees, and from time to time appoint a new trustee or trustees thereof, but in default of any such appointment the right to receive the moneys is to vest in the legal personal representative of the insured upon trust for the beneficiaries under the policy. The power of the court to appoint trustees is kept on foot, and it is expressly provided that the receipt of a trustee or trustees duly appointed, or in default of such appointment, or in default of notice thereof to the insurance office, of the legal personal representative of the insured, shall be a discharge to the office. The provisions of the Act generally appear to be well conceived, and in accordance with the advancing spirit of the age; and protected as they are by a clause which is directed against frauds by a wife upon her husband, or by the two against the latter's

creditors, I see nothing in them of which husbands have a right to complain. It can hardly, however, be anticipated that an Act making such sweeping changes in what was once considered one of the main principles of our law can take effect without giving rise to some litigation, and it has already been remarked that the present law of the wife's right to pledge her husband's credit as his agent for necessaries will probably have to be reconsidered, and that circumstances must arise in which the rule laid down in *Debenham* v. *Mellon* and other cases will have to be modified. For the presumption of the wife's right as her husband's agent to pledge his credit was obviously mixed up with and derived from her common law right to be maintained by him, and this again had its origin in the old doctrine of the merger of all the civil rights of the wife in her husband on marriage. But now it would appear that in every case in which the wife orders articles from a tradesman she is to be presumed to make her separate estate liable unless where the contrary is shown (*e.g.*, if she orders them in her husband's name, and they are articles as to which her right to pledge his credit could be inferred from the circumstances). As tradesmen will not always know what ladies have and what have not separate estate, they may sometimes be placed in a difficulty whom to sue. These, however, are small matters, and the Act is, on the whole, a large step in what the majority will consider the right direction. Mr. Druce's address at our last provincial meeting contained some very sensible and judicious remarks upon the difficult subject of the codification of various branches of our law. Few of us then anticipated that an attempt in this direction would have been successfully made during the last session. This has been done in respect of the law of bills of exchange, cheques, and promissory notes, a subject, I need hardly say, of considerable importance to all members of the community who have anything to do with mercantile transactions. The Bill is understood to have been drawn by Mr. M. D. Chalmers, whose valuable and clearly arranged treatise on the subject will be known to many of you. The care and attention which he has evidently bestowed upon it, and the names of the members of the Select Committee in each House of Parliament to which the Bill was referred, and who devoted a more than usual amount of trouble to the consideration of its numerous details, are the best guarantees we can have for the work having been well done, of which time and experience must be the only real tests. The professional man and his client will now both have the advantage of being able to find the whole of this important branch of law comprised in an Act of 100 sections arranged under convenient heads. The 74th section of the Act, which was introduced in the Lords' Committee, contains provisions in the case of non-presentation of cheques for payment and the failure of the banker on whom they are drawn, which will to some extent modify, but in a direction which seems just, the law as to the absolute discharge of the drawers as it was considered to be settled by previous decisions. The discussion at our Brighton meeting last year showed how equally opinion was divided amongst us as to the policy which should govern legislation in reference to the vexed question of bills of sale. Most of us were probably disposed to take the view abstractedly, that there was no reason why a poor man possessed of furniture or other moveable chattels should be deprived of the ordinary right, which possessors of all other classes of property enjoy, to raise money upon the security of his chattels if he could find people to lend it. On the other hand, there were many who said that whatever might be the abstract merits of the question, it was found in practice that the classes who were most tempted to borrow upon their small moveable property were so exposed to oppressive treatment from the worst kind of moneylenders, that it was to the interest of the community at large that they should to a certain extent be protected from the consequences of their own follies or necessities, and their rights of borrowing upon such securities limited and prescribed. This latter has been the view ultimately taken by the Legislature, which, by the Bills of Sale Act just passed, and coming into operation on the 1st of November next, has absolutely prohibited all securities of this nature under £30. Moreover, every bill of sale is to be void (apparently not only as regards third parties, but as between grantor and grantee) unless registered with seven clear days after execution (section 8). A schedule of the effects comprised is compulsory, and it will not have operation over any other or over after-acquired property, but actual growing crops are exempted from the operation of this provision, and also new plant or trade machinery put up in substitution for any mentioned in the schedule. This Act is to be construed together with the Bills of Sale Act of 1878, and therefore it would seem that, under the 6th section of the new Act and the 5th section of the principal Act taken together, a mortgage of a factory comprising any plant and machinery which come within the definition of "personal chattels" under the 4th section of the Act of 1878 must still be registered as to the latter, and that in case of an addition to the buildings and plant after the mortgage, the new plant would not be covered by the old security. This is a point which has probably already attracted attention among our friends in the manufacturing districts, where securities on this description of property are most common. The Act also strictly defines in what cases only the mortgagee is to be entitled to take possession of his security; and as it repeals the 20th section of the Act of 1878, which took chattels comprised in a duly registered bill of sale out of the order and disposition clause under the Bankruptcy Acts, the effect would appear to be that all the old difficulties affecting a bill of sale from a trader in case of bankruptcy are revived as to bills of sale by way of security for money after November 1, 1882. Nevertheless as one of the cases in which, under the 74th section of the new Act, a mortgagee is to be entitled to seize the chattels comprised in a bill of sale is on the grantor's becoming a bankrupt, it is by no means clear what construction will be put upon these apparently inconsistent clauses of the Act. The logical result of making all bills of sale void which are not registered within seven days, would seem to have been to give full effect, even as against bankruptcy, to those which are so registered, at all events, unless there were some *laches* on the part of the secured creditor in asserting his rights. But it seems in doubt whether this will be the result under the Act. The special requirements of the Act of 1878, as to the execution and attestation by a solicitor of bills of sale, is done away with after the 1st of November, 1882, and only the ordinary attestation required. As to the bill of sale itself, not only is a form given in the schedule of the Act, but the unusual provision made that the instrument shall be void unless "made in accordance with" the form. What construction will be put upon these words, or why they were used instead of the more ordinary phrase "in the form or to the effect" of that given in the Act, I have not seen explained; and it seems at first sight undesirable that the security of any document of importance should depend upon the verbal memory of the practitioner, or upon his having a copy of the Act at hand whenever he is called on to prepare a security. With the exception of the Inferior Courts Judgments Extension Act, 1882, which will enable the holders of judgments of inferior courts in England, Scotland, and Ireland respectively, to utilize these judgments in corresponding courts in other parts of the United Kingdom without the necessity of bringing fresh actions, and of a section in the County Courts and Salaries Act, which repeals the unrepealed portion of the 91st section of the 9 & 10 Vict. c. 95, and prohibits the recovery of fee or reward for appearing or acting on behalf of any other party in a proceeding in a county court by any other person than a solicitor of the Supreme Court, I believe we have now exhausted the legislation of last session specially interesting to our profession. Nothing has been done or attempted in bankruptcy, though doubtless this important subject will receive the early attention of the Legislature. Within the experience of many of us, public opinion has completely swung away from what has been termed the official side of the pendulum towards the plan of leaving entire control of the estate in the creditors' hands, and having learned by bitter experience that in a considerable proportion of cases this control is found in practice either not to exist or to be so weakly (and occasionally, I fear, corruptly) exercised as to be inoperative for any useful purpose, it is now swinging back again with full vigour towards the official side, in which direction any forthcoming changes of the bankruptcy law are almost certain to be made. The risks in this direction arise from the delays and red-tapeism which are sure gradually to grow around any official system, unless great care is taken to keep them at bay, but this ought not to be an insoluble problem; and they are certainly less serious both in kind and degree than those which have been found by experience to exist in acting upon the erroneous presumption that creditors may always be trusted to look after their own interests. A Bill to consolidate and declare the law of partnership, and another to give still further facilities to the enfranchisement of copyholds, were among the many legislative projects which broke down owing to the political exigencies of the session; and the same cause prevented any progress being made in the very desirable object of enacting a complete code of criminal law. With regard to *quasi*-legislative changes, the report of the Legal Procedure Committee appointed last year by the Lord Chancellor, together with the report of a committee appointed at a meeting of this society to consider the recommendations of the first-named committee, are understood to have been referred to and considered by the Rule Committee of Judges, who have come to their conclusions thereon, and such conclusions are, it is believed, being put by skilled draftsmen into the form of new rules to be submitted to Parliament in terms of the Judicature Act. Not much of the purport of the alterations which the new rules are intended to carry out has transpired, but the general impression is that they will tend to the simplification and partial abolition of the present forms of pleading in the more common classes of actions, and it is to be hoped that they will introduce other considerable improvements. This will be the proper place to allude to the proceedings taken during the year upon an Act of the year 1881 of great moment to our profession. I refer, of course, to the Solicitors' Remuneration Act. As you are all aware, this Act was avowedly passed as a complement to the Conveyancing Act of the same session, and because it was felt that the alterations made by that Act would render more than ever absurd the old method of paying solicitors by the length of documents, and that some new mode of remuneration, having regard to the professional skill and responsibility incurred rather than to verbiage, ought to be adopted. You are also aware how the tribunal under the Act was constituted, and my excellent friend and immediate predecessor excused himself last year from offering any remarks upon the subject, on the ground of the exceptional duties which were likely to devolve upon him as a member of the tribunal. In fact Mr. Druce, who worthily and efficiently represented this society, and had taken great pains to make himself fully master of the subject, attended all the earlier meetings of that body. They had arrived at their conclusions in the form of a draft order, which, by the terms of the Act, they were bound to send to the council of this society for their suggestions, just when I had the honour of succeeding to the chair; and it fell to my lot to attend the final meeting of the tribunal, when they had to consider and discuss the suggestions and objections the council thought it necessary to make upon the draft. The order, as you are aware, has since been made, and has recently been circulated among you by the council, together with a statement by them in reference thereto. It is unnecessary for me to add to that statement, but perhaps I may be permitted to say that one main reason which induced me, after careful consideration, to take the course I did, was that, having regard to a possible revision of the order at a future date, it might put the profession in a somewhat better position, that one of its special representatives upon the tribunal should have dissented from the order as it now stands, though it is almost unnecessary to state there were many portions of it in which I fully concurred. It is satisfactory for me to know that my predecessor entertained the same view, and had he remained in office would have acted in the same manner. Having said thus much, I am sure the meeting will excuse my adding that I do not think it would be becoming or decorous, or in accordance with the view usually taken in this country of the duties of a member of a *quasi*-judicial tribunal, for me to go into any further

detail here, or to take an active part in the discussion which will probably arise on the subject upon one of the papers which will be read to you by-and-bye. We have thus rapidly gone through the main features of the year's legislation especially affecting our profession. With the exception of the Settled Land Act, which goes to a certain extent upon new lines, all the changes made have, as regards practice, been in the direction of simplification, and as regards alteration in the law, in the direction of getting rid of fictions and doctrines or decisions which, often useful or right in their origin, have become ill-adapted to the requirements of modern business and society. Indeed, this has been the constant tendency of our legal legislation during the past fifty years. And what immense changes have been made in that period, as to almost all the important branches of the law, during the professional life of many still practising! Let us briefly glance at a few of the most striking. They may be said to have begun just after the passing of the Reform Act of 1832, and to have continued almost without interruption to the present day. It is not quite fifty years since the Uniformity of Process Act (2 & 3 Will. 4, c. 39) became law. There are those amongst us who can still remember the course of actions before the passing of that most useful statute, and the famous new rules which were contemporary with it. Those were the days of *latitats* and original writs, when it was often a matter of the gravest consideration in what form an action apparently of the simplest character should be brought, for no mistake could afterwards be set right. There was no such thing as a consolidation rule in those days. If proceedings had to be taken upon a marine policy bearing the names of twenty underwriters (no uncommon case), twenty actions had to be commenced, and it not unfrequently occurred that legitimate costs to the extent of several hundred pounds were incurred by the plaintiff's solicitor in a few days after the first step in the actions. In pleadings almost every question could be raised upon the general issue, and a plaintiff, therefore, hardly ever knew what case was going to be set up by the defendant, and had, at enormous cost and great risk of failure, to prepare all kinds of evidence accordingly. This was altered by the new rules before referred to, under which special pleading grew to a sort of science; and these in their turn were displaced by a simpler system with which we are now familiar, originating in the Common Law Procedure Act, 1854. County courts were unknown. A tradesman in a country district, who had sold goods to the amount of £10, unless he and his debtor had the good fortune to reside in some borough which had a court of record, had no remedy against a dishonest debtor, except by action in the superior courts. If he laid the venue in London, the costs of trial there were too serious to be thought of in small matters, while if his solicitor laid it in the country, it could be tried only twice in the year, and from July to the following April his debtor could set him at defiance. Even the assizes of his county were not always held in a central county town, but sometimes in a little place of three or four thousand inhabitants in one corner of the county with no accommodation, and to which he and his witnesses would have to travel perhaps the best part of one hundred miles over roads where there were few coaches and very bad means of access. In those days the simplest bill in chancery extended to 100 folios or more, and the whole case the plaintiff intended to make had to be put three times over, by way of statement, charge, and interrogatory, many of which in simple suits, such as those for administration of estates, grew to be fictitious in their nature, and merely common form. The defendant's answer was nearly or quite as voluminous, and it took weeks and months to get it in; and it was often years before a cause could be brought completely to issue and set down for hearing, when again it had to wait an indefinite period before it could be heard. In real property law, before the passing of the Fines and Recoveries Act, 1834, if an entail had to be barred, the whole fiction first legalized by the decision in *Taltarum's case* in the time of Edward IV. had to be resorted to at a great cost. It was often very doubtful who should be made tenant to the *præcipe*; and if a mistake was made as to this (and I can remember several instances of titles where it has occurred) the whole thing had to be gone over again. If a poor married woman inherited a cottage, she could only sell it by levying a fine, which involved a cost of perhaps twenty or thirty per cent. on its value. Every property of any magnitude had one or more satisfied terms assigned to attend the inheritance, to protect it against mesne incumbrances. The titles to all these had to be investigated separately and traced to the origin of the term, and separate deeds prepared for their assignment, which often had to go through the hands of various solicitors unconnected with the purchase, whose charges had to be paid by one of the unfortunate parties interested. These are only a few of the points in which improvements have been introduced. Many of them were not carried without great opposition, and almost all had to wait for years after their necessity was demonstrated to thoughtful minds by the kind of passive resistance which abuses of long standing almost invariably offer to improvement. There were not wanting croakers in those days who insisted that the changes proposed were undesirable, and who predicted the ruin of the profession as the consequence of any alteration, just, as I have no doubt, there are some now who have been making the same prediction over the more recent changes in conveyancing which we have been considering. I advise the younger members of our profession to pay no credit to such vaticinations. The true policy for us to pursue is to be in the foreground of all well-considered improvements, and as far as possible to facilitate the early and easy dispatch of all classes of business. We may rely upon it that as long as the commerce and business of this great country continue to prosper, the amount of professional work will increase, though the forms of it may change. The great point to secure the future well-being of our profession, and to maintain the social standing and position to which it is entitled, and which of late years have come to be gradually more recognized, is to take care that those entering it should be qualified, both by education and character, to keep and even to raise the standard which it has now attained. As far as professional education is concerned, I think we may say that this is now secured by the examinations which this society has from its earliest days done its best to promote, and which at the present time are brought to a condition effectually keeping out those who are utterly unqualified. But the question of general education is in many respects even more important. The sphere in which an English solicitor is called upon to act has been immensely extended in the lifetime of the present generation. The rapid growth of our colonies, and the enormous increase in all directions of the commercial relations of the country, render it desirable that a solicitor should be a sort of "Admirable Crichton," with encyclopædic knowledge. We all know that this is becoming increasingly impossible; but the man who has been well educated and taught how to learn has an immense advantage in picking up the needful information in any case of a scientific, technical, or otherwise abstruse character which comes before him. I hope I shall not be considered as going beyond my province if I add that even more important than these is the attainment of that high moral standard in our business relations which we should all endeavour to promote. We have been in times past much abused, and occasionally have still to hear something on this score. A dear friend of mine, who was cut off by long illness and premature death from the seat on the bench which he would have adorned, and to which his well-earned success at the bar would certainly have raised him, used to say that his experience of solicitors was the very reverse of what was often attributed to them; and that so far as he could judge, if other portions of society were in the habit of regulating their actions by as high a standard as that which solicitors were obliged to and did observe, the world would be a much better one than it is. This is the character which I hope our younger brethren will endeavour to maintain—to avoid anything approaching in the slightest degree to sharpness or trickery in the conduct of their business, and, as far as possible, to keep a control over their clients in the same direction; but above all things, to recollect in their conversation or negotiations with their professional brethren, that what they say must be, under all circumstances, implicitly relied on and kept to. Absolute truth and straightforwardness in our relations with each other are the surest method in the long run of conducting our business satisfactorily to ourselves and our clients, to say nothing of the respect of our fellows and other consequences, which the constant and steadfast practice of these qualities will assuredly bring in their train.

Mr. TOURLE (London) thought that the time had arrived when no future entails should be permitted and the law of primogeniture in land should be materially altered.

Mr. C. T. SAUNDERS (Birmingham) remarked that it would be observed that the power of re-investment of the capital of an estate which had been sold by a tenant for life entitled him of his own motion apparently to re-invest such capital in the purchase, not of freehold estate, which had been the subject of sale, but of a wasting security—namely, an estate of a leasehold character. Thus, under the Act, the following might happen:—A tenant for life of a large estate might convert it in the first instance into money, and then apparently of his own motion he might re-invest the whole of the money in the purchase of leasehold property having not more than sixty years' unexpired term. If the tenant for life should be a young man, say twenty-five years of age at the time he so forfeited the settled estate, it was manifest he would be entitled to "eat" the estate if he lived long enough, and practically to exhaust the settled estate. He thought this could not have been contemplated by the framers of the Act, and it certainly involved very serious consequences. The powers given to a tenant for life in the way of accepting surrenders of leases and granting fresh leases also appeared to him to go too far. Referring to the very animated discussion which took place at Brighton last year with respect to bills of sale, he thought those who had spoken in opposition to the Act based their opinions upon an insufficient acquaintance with the valuable evidence to be found in the blue-books. He was satisfied the Act would be found to be beneficial to the honest portion of the community.

Mr. B. WAKE (Sheffield) spoke in opposition to the Married Women's Property Act, which he looked upon as a step in the direction of dissolving the marriage tie. He protested against such an Act being passed without its being discussed by the law societies throughout the country. He observed that the Bills of Sale Act was one of the greatest puzzles that had ever been invented.

Mr. HOWLETT (Brighton) spoke in favour of bills of sale, and gave instances where persons in Brighton had been saved from ruin by their agency.

NEXT YEAR'S MEETING.

The PRESIDENT remarked that the time had now arrived for considering the place of meeting next year.

Mr. G. R. DODDS (London) observed that it was not fair to cast the heavy expenses of these meetings on small towns where there were few solicitors. He moved that before accepting an invitation from any town it should be made a condition that the members of the society should be allowed to pay at least for the banquet which was usually given on these occasions.

Mr. MILLER (Bristol) seconded the motion, which was supported by Mr. F. K. MUNTON (London), Mr. MARIGOLD (Birmingham), Mr. W. SMITH (Sheffield), Mr. M. BATESON WOOD (Manchester), and Mr. W. MELMOTH WALTERS (London), whilst Mr. HOWLETT (Brighton), spoke in opposition.

The motion was carried *nem. con.*

Mr. MUNTON moved that Plymouth be the next place of meeting.

Mr. E. KIMBER (London) seconded the motion.

The PRESIDENT observed that it was usual to wait for an invitation, and the motion was withdrawn.

Mr. MARIGOLD (Birmingham) invited the society to meet there in 1884. He regretted that his society were not in a position to invite them for 1883.

THE LONG VACATION.

Mr. WILLIAM FORD (Gray's-inn, London) read the following paper:—After some introductory observations, Mr. FORD said that: More changes

have been made in the law during the last fifty years than in the preceding three centuries. The life of the elder generation of lawyers has been one school-time, a never-ending process of learning and unlearning. Besides alterations in the law, we have seen the chiefships of the Common Pleas and Exchequer extinguished; almost every part of our legal system has been abolished or recast. Only one legal institution remains intact, and that is the time-honoured institution known as "the Long Vacation." This venerable institution has been assailed, and may be attacked again; it is proper therefore that the attention of the profession should be directed to its preservation. These attacks re-appear annually in the daily papers at the end of every summer, when there is a dearth of political news and the courts of law are closed. They mostly proceed from the pens of members of the bar who have not yet won their way to fame, and are naturally desirous to multiply their chances of early success, and to display on a fitting arena the talents of which they are conscious. It would be a short-sighted policy to hold cheap and disregard these periodical attacks on the Long Vacation, because they emanate from men who conceal their names, and have not yet made their mark in the world; and none the less because one of the members of our society has more than once expressed the same opinion in his place in Parliament. It is prudent, therefore, to investigate the merits and uses of the Long Vacation, and to ascertain whether it is for the benefit of the public and our clients that it should be preserved intact, for if this time-honoured institution will not stand that test, it will surely succumb to the assaults which annually recur in some portion or other of the London press. Lawyers can never expect, and ought not to desire, to preserve a state of things which is antagonistic to the general good; nothing is more certain than that in the long run the interests of solicitors are identical with those of their clients. What is good for the client must, in the end, be the best for the solicitor, and it is entirely from this point of view that the question should be argued and decided. Is it, therefore, to the benefit of the public that the courts of law should be open all the year round? I submit the answer should be "No," for the following reasons:—The judges are, for the most part, men long past middle life, some well advanced in years. Men who work with the brain cannot toil day by day, and every day in the year, with impunity; they will break down and be absent from illness if driven too hard. If, therefore, justice is to be dispensed every working day throughout the year, the number of judges must be multiplied, with a corresponding increase of their satellites. The number of masters, chief clerks, taxing masters, and the staff of all the law offices generally, must, for the same reasons, be augmented, if the various law offices are to be at work *de die in diem* all the year round. It is easy to see that such an alteration would be costly, though it might be difficult to calculate the exact amount of such additional expense. If chancellors and judges require rest, so do advocates. If there is to be no "close time," the advocate who had advised or appeared in court during the earlier stages of an action might not be accessible or available when most needed at the trial, or in the Court of Appeal. It is not easy to transfuse into the mind of a substituted counsel the *res gestæ* of the earlier proceedings. Still less is it feasible to transfuse into the mind of another solicitor, albeit a partner, all the details, cross-considerations, aims, and objects which ought to be present to the mind of a solicitor who tries an important cause. Again, much of the success of an action depends on the fencing in judges' chambers; it is, therefore, essential that the managing clerk who conducts it should be always at hand; for the knowledge of the details of such fencing, and of the papers, often voluminous and multitudinous, cannot be transferred from the mind of the clerk who conducted the skirmishes into the mind of another clerk who might suddenly attempt to take his place. It is easy to imagine that the interests of the client might suffer if the managing clerk conversant with the various petty, and yet oftentimes important, antecedents of an action should not be available either in chambers or at the trial. Solicitors and their clerks, as well as judges and advocates, need occasional or periodical rest; and as no solicitor can now tell when, or where, or by whom any cause will be tried, I submit that it is to the benefit of the suitor that there should be a recognized interval of leisure, during which the bench, the bar, solicitors and their clerks, should be at liberty to recruit their energies and to prepare for the next campaign. Again, if there is no "close time," will not scientific witnesses of mark and eminence expect larger fees to compensate them for sacrificing the expected ramble over the moors of Great Britain, or the mountains of Switzerland, or the soothing delights of a yachting cruise? Will Sir Frederick Bramwell, Sir William Gull, and Sir James Paget be contented to remain in England in August and September for the fees which they would accept at other times? Witnesses of eminence, in other walks of life, would require additions to their remuneration if they are expected to be available at a season of the year devoted to rest and recreation. Scientific witnesses cannot be suddenly replaced. It often happens that their testimony, to be of any value, must be based upon inspection and observation of natural, physical, chemical, or other processes, extending over a lengthened period. It is not only supposable, but it is certain, that suitors would suffer if the scientific or skilled witnesses, who had been retained months before, should be absent when most wanted, and that the expenses of litigation would be seriously inflamed if scientific witnesses engage to be at hand at every season of the year, or their numbers would be swelled, to guard against the contingency of one or more absentees at the trial. The employment of a third counsel would be much more common than it is now, as it would be necessary to guard against the contingency of the absence of a single leader, and the devolution of his responsibility upon the inadequate shoulders of his junior. Is this assembly I need not dilate on the inflammation of the costs occasioned by a third brief, a third copy of documents used at the trial, and of the shorthand writer's notes for the use of a third counsel. Whether, therefore, we regard the interests of judges, advocates, solicitors, suitors, or the public, it is undesirable that the period of annual relaxation should be annihilated or abridged, and I trust that you will unanimously pass the following resolution:—"That the Council of the Incorporated Law Society be requested to resist any efforts that may be made from any quarter to abolish 'the Long Vacation' or to curtail its length." These observations are intended to apply strictly to contentious business of an ordinary character during the Long Vacation. The Vacation Judges can continue to deal with exceptional cases. It is probable that the dispatch of administrative business in the chambers of the equity judges might be accelerated and improved by curtailing the Christmas Vacation. The Easter and Whitsuntide holidays are already confined within reasonable and even narrow limits in those chambers.

Mr. SIDNEY SMITH (London) seconded the motion.

Mr. W. H. HERBERT (London) considered the exceedingly long vacation a very great scandal, but did not think its entire abolition would be a benefit either to the public or the profession. He was, however, in favour of its abridgment, and he would make it a real vacation, the sole business transacted to be confined to simple applications and injunctions, and business of that description.

Mr. E. KIMBER (London) thought the manner in which the business was conducted by the Vacation Judge was a disgrace to our boasted civilization. The burden imposed upon him was far too heavy, for how was it to be expected he could decide two hundred cases in three days? He animadverted strongly on the great pressure of business and crowded state of the courts.

Mr. COLBORNE (Newport) moved as an amendment: "That, in the opinion of the meeting, the Long Vacation might be considerably shortened, to the great advantage of the suitors, without any detriment to the interests of the profession." The shortened vacation, however, could not be made an absolute vacation, especially in the country.

Mr. DEBENHAM seconded the amendment.

Mr. PENNINGTON (London) observed that a committee of the council had passed a special resolution on the subject, which had been adopted unanimously at a very large general meeting of the society. That resolution was binding on the council, whilst nothing that could be done at this meeting could be binding. It would be very unfortunate if they were now to change their front and adopt such a resolution as that proposed by Mr. Ford. The business of the public ought not to be allowed to come to a stop.

The amendment was put and carried with only two dissentients. It was then adopted as a substantive motion.

THE PROPOSED EXTENSION OF THE JURISDICTION OF THE COUNTY COURTS.

Mr. J. T. WOODHOUSE (Secretary of the Hull Incorporated Law Society) read a paper with this title, as follows:—

After some observations on the evidence given before the Select Committee of the House of Commons in 1878 on the jurisdiction of county courts, Mr. WOODHOUSE said: The Bill introduced into Parliament for extending the jurisdiction of county courts best known to lawyers is that of the esteemed member for our town, Mr. Norwood, which proposes to increase the present common law limit of £50 to £200, and further proposes to confer upon these courts the same jurisdiction which they now exercise in all cases for the recovery of tenements under the 50th to the 52nd sections of the Act of 1856, where the value of the premises or the rent payable in respect thereof shall not exceed £200. The jurisdiction is now limited to cases where the value or the rent payable in respect thereof does not exceed £50, and the process is known as that for the recovery of small tenements. Further, it is proposed to substitute £40 for £20 as the limit of ejectment cases under the 11th and 12th sections of the Act of 1867, and to empower the court to entertain actions for damages for malicious prosecution; and the Bill contains a clause increasing the salaries of the judges to £2,000 exclusive of travelling expenses, with proper provisions for a pension. The only complaint I have to make of the Bill is that it does not go far enough, inasmuch as it makes no provision for increased equitable jurisdiction, and does not repeal section 39 of the Act of 1856. After thorough consideration of this Bill, and the examination of upwards of thirty witnesses representing all parties concerned, the Select Committee reported: (*a*) That there should be no increase in the jurisdiction of county courts protected by costs; (*b*) that the court fees payable on the plaint should be reduced; (*c*) that the salaries of the judges should be increased to £2,000 per annum; (*d*) that a registrar intrusted with the discharge of judicial functions should not be permitted to practise within his district or elsewhere; and (*e*) that Mr. Norwood's Bill be approved and proceeded with. The necessity for having some different tribunal from what at present exists for the trial of common law cases involving from £50, the present limit, to £200, the proposed limit, was, I should have thought, too obvious for argument. Mr. Hollams, who occupied the presidential chair in succession to Mr. Burton, and who has perhaps had as great, if not greater, experience in contentious practice as any other professional man in the city of London, in his evidence stated that he believed there was an enormous amount of business which is nipped in the bud and cannot progress, on account of the expense of litigation in the High Court; and added that he stopped on an average one case a day of £50 to £200 on the score of expense. There are, therefore, hundreds of mercantile men who, having claims for say £100 or somewhat more, advised that they are quite right and are entitled to recover, are yet compelled to put up with their loss because the expense of litigation in the High Court is so great; and Mr. Hollams expresses his opinion, "that the system of the higher court is not only not adapted to cases of £100, but also £200 or even £300." Quite recently I had a good illustration of this complaint in my own experience. A client, who was an indorsee for value, held a dishonoured acceptance for £58, and after making the best inquiries he could as to the solvency of the acceptor, as he somewhat doubted the drawer, sued the acceptor by a specially indorsed writ in the High Court, the county court having, of course, no jurisdiction to entertain the claim. The acceptor ignored application for payment, and the indorsee expected he would pay on receiving the writ; but an appearance was entered, and

application being made under order 14 for judgment, the defendant set up a defence of fraudulent misrepresentation by the drawer as to some goods which formed the original consideration for the bill, but of which the plaintiff indorsee had no knowledge whatever, and so deposed. The master thought the defendant's allegations were sufficient to shift the *onus* of proof, and gave unconditional leave to defend; and as the master's order was made on the last day for giving notice of trial at the assizes, it was deemed more prudent to deliver claim and proceed instead of appealing to a judge. Pleadings were delivered, defendant administered interrogatories, obtained discovery of documents, tried to create delay by applying to change venue, and ultimately the action reached trial, and my client obtained his verdict at an expense, even on this simple claim of taxed costs, amounting to £146, or nearly three times the amount of the claim. This action, if the law had permitted, could have been tried in the county court at a tenth of the cost and in much less time; and this is an illustration of many men's daily professional experience. There are those, however, who, admitting the necessity for some different tribunal for dealing with the class of cases I have mentioned, deny the expediency of making that tribunal the county court, and they desire the creation of a new tribunal, intermediate between the High Court and the county court, to be called a district court, but to be, in fact, a branch of the High Court, with a judge ranking not so high as a puisne judge of the High Court, but higher than a county court judge, and that these district courts shall be held only at the larger centres of industry. They urge this because they object to the county courts, and I think their objections may be summed up under the following heads:—(1) The public have not sufficient confidence in the courts. (2) The judges are not men of sufficient ability or experience to make them a competent tribunal to deal with cases that would arise under the enlarged jurisdiction. (3) The courts are not suitable, because they mix up substantial business with trivial business. (4) No proper bar practising before them. (5) Not sufficient facilities for obtaining discovery or for hearing interlocutory applications. (6) No pleadings—and therefore the contending parties do not know what the other admits or disputes. (7) Interference with the business of the assizes. (8) Court fees too high. (9) No sufficient appeal. (10) In equity no proper machinery for working out decrees or taking accounts. Dealing with the first two objections, it seems surprising, when Parliament has been for so long continually adding to the very limited jurisdiction originally conferred upon county courts, limited jurisdiction in equity, and, by the Bankruptcy Act, 869, unlimited jurisdiction in bankruptcy, that persons should be found to question the fitness of the court to deal with a common law action involving £200 in value, or to administer the trusts of a will, or otherwise exercise equitable jurisdiction where the assets or property involved amounts to £1,000. A county court judge may now hear and dispose of, on motion on the bankruptcy side of his court, an issue involving, and may grant an injunction affecting, property of unlimited and, as not unfrequently happens, of enormous value; as, for example, in cases as to the validity of bills of sale, the relative rights of trustees and execution creditors, of fraudulent preference, and in the settlement of questions arising under the order and disposition clauses of the Bankruptcy Act, and out of the doctrine of "relation back," and may exercise the power of committal for contempt for disobedience to orders of the court; and yet where the same issues are raised by action at common law (and since the decision of *Ex parte Dickin, Re Pollard*, L. R. 8 Ch. D. 377, they have unfortunately for the pockets of litigants, and, as I venture to think—with all respect to the eminent judges who gave that decision—for the proper and economical administration of the law of bankruptcy, to be determined by action at law) a county court judge cannot entertain them, if the value of the subject-matter of the dispute exceeds £50. Nay, the anomaly does not stop here, for not only may he entertain and adjudicate upon issues in bankruptcy of unlimited amount; but he has the power—which is not unfrequently exercised—of delegating his judicial functions in bankruptcy (except that of committing for contempt) to his registrar, who then has the power to exercise the delicate duty of ordering the arrest of absconding debtors and of granting search warrants, and may sit and determine, either with or without a jury, issues frequently raised before him, involving the sifting of complicated facts, discrimination of conflicting evidence, as, *e.g.* in a case of "custom" under the 15th section of the Bankruptcy Act, and the consideration of some of the most difficult and abstruse points of law that can be raised, and invariably are raised in any bankruptcy issues; and this anomaly reaches truly the height of absurdity when it is remembered that as the law at present stands, a registrar cannot, when exercising common law jurisdiction, hear in his court any defended case, whether it be a servant girl suing her master for a month's wages, or however trivial it may be. Those who argue against any increase in the jurisdiction of these courts are bound, therefore, to show that after thirteen years' experience, the judges have not exercised the unlimited jurisdiction vested in them by the Bankruptcy Act, 1869 (and which prior to the check imposed by the decision I have referred to was very extensive indeed), with satisfaction to the profession and the public. I challenge any person to do so. I am aware that as there is a simple, cheap, and valuable system of appeal, there have been in some districts many appeals; but not more in proportion than occur in the higher courts. This displays not so much a want of confidence in the tribunal of first instance as the necessity of settling by the opinion of the ultimate Court of Appeal, the construction of a new Act of Parliament, and in many instances where a decision of the county court has been reversed on appeal to the Vice-Chancellor sitting as Chief Judge, the ultimate Court of Appeal has restored the decision of the county court judge. I am not aware that in Judge Bedwell's extensive circuit (which, according to the number of plaints issued, ranks second of all the courts of England) there have been more than six appeals in bankruptcy since he sat eight years ago, and I believe I am correct in stating that in no single instance has a decision been reversed. Again, on the question of competency, it should not be forgotten that, since 1868, many of the judges have had jurisdiction in admiralty causes up to £300; and who has ever heard any complaint, other than that the jurisdiction is not sufficiently extensive? As the only court exercising jurisdiction in the greater portion of the claims cognizable in admiralty is that of Sir R. Phillimore, the result is that where a claim in a collision case exceeds £300, litigants with frequently a large number of witnesses are compelled not to try at the assizes, but to go to London and incur all the expense of a suit in the Chancery Division, and though the court cannot now entertain any action of ejectment where title comes in question, if the annual value or rent of the property exceeds £20, yet in an action of replevin (another anomaly) its jurisdiction is unlimited, though title to properties of large value may be involved. But though the fitness of some of the judges originally appointed for exercising the jurisdiction proposed to be given might perhaps be questioned, yet few can cavil at the appointments made in recent years, and the confidence of the public is best attested by observing the amount of business which they have allotted to themselves. In 1880, on the common law side of the courts, 1,095,869 plaints were issued to recover the total sum of £3,366,474. Judgments were obtained for sums amounting to £1,681,865; 13,694 of these plaints were for sums between £20 and £50; that is, in cases where the court exercises concurrent jurisdiction with the High Court; and 296 cases were entered by consent above £50. In addition to this 921 actions remitted or transferred from the High Court were tried in the county court; and since the passing of the Employers' Liability Act, by which it is provided that all claims of whatever amount under that Act must be commenced in the county court, 118 actions were last year so tried, and I am quite satisfied that in the current year they will be nearly twice that number. This is exclusive of upwards of 10,000 petitions in liquidation and bankruptcy, and of 373 suits in admiralty. It is obvious that this result must have greatly affected the High Court, which, if it had not been relieved by the county court, must have been completely blocked with work. The number of writs issued in the High Court in 1867 was 127,702. In the same year was passed the Act which provided that costs should not be recoverable in the Supreme Courts where the cause of action, if in contract, should involve an amount less than £20; and in 1868 the number of writs fell to 83,174, being a decrease of 44,528, or nearly a third; in 1869 the writs issued were 81,778; in 1870 they fell to 72,660; and in 1881 they numbered only 55,783. The county court plaints in the same year numbered 1,035,311, the High Court writs recovered £182,999; the county court plaints recovered £1,601,642. These figures, I think, sufficiently answer the objections with which I have been dealing. The third objection—namely, that substantial cases are mixed up with trivial cases—is one which is not exclusively applicable to county courts; it is a mere matter of classification and arrangement, and in all the larger courts now this classification takes place. An excellent arrangement, which only wants a little further classification to make it perfect, exists at our court. The judge (whose constant study is to devise the best means for disposing of the work of his court) sits at Hull three, and sometimes four, days every month. On the first day he takes cases in which solicitors are not engaged and judgment summonses. On the remaining days he takes cases in which advocates are engaged according to a classified cause list, which is printed and circulated a few days prior to the hearing. Each day's list is peremptorily called over at the sitting of the court, and the undefended cases eliminated from the list, and the parties at once liberated from further attendance; only fighting cases remain in the list. This has been proved to work well, and removes any such objections as the one I am dealing with, and though more days and a different classification would be required with an extended jurisdiction, this is a mere matter of internal arrangement. The bankruptcy business is principally disposed of by his able registrar, and motions are heard immediately the parties are ready. I will not stay to deal with the objection as to the bar. Lord Bramwell is of opinion that bars would not be prejudicially affected by the proposed change, and all the county court judges are quite satisfied that there is nothing in this objection, and that the bar do go and will go wherever there is business, if they are required, and that the courts form an excellent training school for their subsequent practice before the higher tribunal. I am quite satisfied from practical experience that there is nothing tenable in the objections that there are not sufficient facilities for obtaining discovery and hearing interlocutory applications. The cases even in the High Court are not numerous where discovery is absolutely necessary; it is a species of machinery that is too often used to obtain costs, and is very much abused; but where it is necessary, with some alterations of the rules of court, drawn more closely upon the lines of the Judicature Rules, no difficulty need be experienced. The registrar would hear and make orders upon summons, just as he does now in the district registries of the High Court, with an appeal to the judge. This appeal could always be heard within a few days, but I apprehend appeals in such interlocutory matters as were necessary would be rare, and I would discourage all unnecessary interlocutory applications by making the applicant, if the court were of that opinion, pay costs. Nor after the resolution passed last year by the Lord Chancellor's Committee, that it was desirable to abolish pleadings in the Queen's Bench Division of the High Court, can it seriously be contended that they should be introduced into the county court. Nor are they in fact, I submit, in the great majority of cases at all necessary. Mr. Hollams, whose opinion must always command amongst us the greatest weight, says, "I have always been an advocate for having no pleadings at all. I think they add seriously to the expense of litigation, and I think that the Judicature Act has proved that pleadings are more costly since." If the particulars of claim at present required by the court rules were given on entering plaint, and the defendant were required within a specified time before the court day to give short particulars of defence, that, I am sure, would in nine cases

out of ten be sufficient, and let both parties and the court know what the issue to be tried was. Time does not permit me at length to deal with the remaining objections. The High Court will never be short of work; the more facilities you offer for litigation the more work there will be. There is abundance of work now, and always will be, in the Chancery Division alone to occupy the time of the superior court judges, and probably the lords justices might then advantageously be saved the necessity of going on circuit. I admit the court fees are too high and operate most prejudicially on the business of the courts. The mode of appeal is also far from satisfactory. The suitor should be allowed to make use of shorthand notes, as in admiralty and bankruptcy appeals, and I see no reason why the appeal should not, as in bankruptcy and admiralty, be in effect a re-hearing; but the appellant, as in bankruptcy, should be required to give security at the discretion of the court, otherwise a successful suitor who was poor might be unduly harassed and deprived, by the mere length of his adversary's purse, of the benefit of his judgment. I strongly advocate the extension of the equitable jurisdiction to £1,000. It is said that there has been very little equitable business transacted in the county courts, but this is due to the niggardliness of the jurisdiction. The jurisdiction is not in any degree exclusive but concurrent, the court fees are high and the professional remuneration very low, and this in a great degree explains why the jurisdiction has been so partially used. The machinery, too, provided for by the rules, is ill-considered and not at all adapted to small matters. The procedure should be settled by practical men. The object has clearly been to copy almost exactly the procedure of the High Court, but it is like utilising a locomotive engine to draw a bath chair. In extending the jurisdiction to £1,000, I would either make it exclusive or protect it by costs. I venture to predict it would be largely used, and would prove a great boon, with a simplified machinery which the judges themselves can easily arrange by new rules. There would be no difficulty in working out the orders. I have worked three administration suits in the court during the past year most satisfactorily, and at much less expense—one of them being considerably above the £500 limit, and in which some most important points of construction as to the disposition of legacies had to be settled—and to argue them in the High Court would have greatly diminished the estate. The county court judges were all of opinion that their several registrars were equal to any chief clerks. Under these circumstances there can be no reason to fear that orders once made would not be properly worked out. I think this makes out a strong case in support of my contention that the equitable jurisdiction should be increased as well the common law jurisdiction. In extending the equitable jurisdiction, I would include the jurisdiction to entertain petitions for winding up companies under the Companies Acts where the nominal capital of the company did not exceed £10,000. The procedure and machinery of the Chancery Division are too elaborate and costly for winding up small companies, and too often the expense entailed consumes all available assets. Surely if the county court is the proper and cheapest tribunal to administer an insolvent estate of a private trader where the assets and liabilities are unlimited, it is as competent, and should be the tribunal to have the charge of winding up an insolvent business carried on by a number of traders incorporated as one person under the Companies Acts. To give the judges ample time to deal with the additional work that would be cast upon them by an increased jurisdiction, I would intrust the registrars with the power of hearing common law cases up to £5 or £10, with a right of appeal to the judge; and where a point of legal or mercantile importance was involved in any case within this limit, as, for example, in the case of the construction of a charter-party, the solicitor on either side should be at liberty to mark it for hearing before the judge; and it would then be desirable to give effect to the resolution of the House of Commons' Committee that registrars should not, where they exercise judicial functions, also carry on private practice. To make the courts more workable and more efficient, certain reforms must inevitably be introduced. First, the court fees must be reduced. At present a suitor on ordinary plaint pays, up to £20, 1s. in the pound on entering plaint, 2s. in the pound more before hearing, and when he has got judgment he has to pay a further 1s. 6d. in the pound to enforce it by execution; in other words, to pay £4 10s. to the court on the mere chance of recovering his debt. There would be in the High Court in fees on the same debt to the same point not more than £2 7s. This is, of course, exclusive of any professional remuneration or cost of attendance of witnesses, and is a hardship on tradesmen and suitors, and frequently operates to deter a tradesman resorting to his remedy for his customer's default in payment if he is not very sanguine of his solvency. I would fix a uniform fee on entering plaint of 3s. in all cases over £5, and 6d. in the pound on all cases under. I would do away with much of the routine and intricate procedure now in existence. To issue a default summons and serve it otherwise than by the bailiff of the court, no less than seven forms, inclusive of plaint note, must be prepared. It need not be such a matter of surprise, therefore, that these summonses should have been very little used, especially, indeed, in towns where courts are held at no greater intervals than a month; for, assuming a bailiff to serve a summons the day it is issued, by entering appearance on the sixteenth day a defendant can practically sometimes put off a plaintiff for five weeks. Why not adopt a form of writ similar to that in use in the High Court, on which particulars of claim should be endorsed by the plaintiff? The form should be obtainable at the court or otherwise, and sealed by the registrar in duplicate. Let the writ be served by the plaintiff or by any other person, as is now done in the superior court. If the defendant lives at a distance from the court, allow a fixed sum, whatever the distance, for mileage. I would require defendant to enter an appearance in cases under £20 in twelve days, and above £20 in eight days, and I would give a plaintiff the same facilities to obtain judgment if writ especially indorsed as under order 14 of the High Court. If no appearance be entered, I would, on an affidavit of service, give plaintiff immediate judgment without the necessity of having to go to the court and formally prove his debt. If appearance should be entered and any application made for judgment within five days, the case should stand, subject to any special application, and to the usual powers of adjournment for hearing at the court, to be held on the next succeeding court day. I would do away altogether with bailiffs. They have long been the bane of the county courts. Sometimes great delay occurs in the service of a summons, for every defendant is not known to the bailiff. If the service be in the hands of the suitor, there is an interest in effecting service which can never be infused into a bailiff. In the levying of executions, too, the fees having been already paid, the bailiff has so little interest in the matter that he is only too prone to be satisfied with any allegation as to the ownership of the chattels seized, or as to their liability for rent, and to withdraw; and a poor suitor, after incurring great expense, is left perfectly remediless; whereas, if he had the power to intrust the execution of his judgment to a person of his own choosing (who, if deemed necessary, should be previously approved by the court as fit and responsible to undertake the duties of levying warrants), as landlords can do in distress for rents, he would probably, by the exercise of greater diligence, and the personal interest which would accrue, realize his judgment without difficulty. All that should be required to effect the levy should be an authority from the suitor or his solicitor attached to an office copy of the judgment. If bailiffs were abolished an immense amount of the expense which county courts entail would be saved, and I am convinced the result would be that justice would be administered more expeditiously, more certainly, and cheaply.

At the conclusion he moved, "That in the opinion of this meeting it is desirable that the county court jurisdiction should be generally extended."

Mr. Shackles (Hull) seconded the motion. He could not understand why machinery capable of dealing with amounts up to £500 should not be equal to dealing with amounts up to £5,000.

Mr. Munton (London) said that London and country solicitors would always hold diametrically opposite views with respect to the matter. The country solicitors availed themselves gladly of the system directly the courts were instituted, and whilst the solicitors in the country were quite satisfied with the way in which the business was conducted, the London solicitors thought that the majority of the county court business in London was carried on in a very unsatisfactory manner indeed, and so long as this was the case the London solicitors would continue to withhold their support from the system. He entirely disagreed with Mr. Woodhouse's motion. If the business of the county court was added to, the confusion would be greater than ever. He thought it desirable that successful juniors should be appointed to the county court bench instead of unsuccessful seniors.

Mr. T. Marshall (Leeds) quite agreed that the desirability of the increase of jurisdiction really depended on the facilities given by competent judges and by amended rules of practice for the jurisdiction to be carried out. In the large towns, such as Hull, Leeds and so on, the practice was large, and the officials were able, by constant practice, to get through their work properly. If the increase of jurisdiction was to work well it ought to be in some way limited to those courts where there was practice enough to enable those who did the work to do it thoroughly and satisfactorily. It was absurd that a man should be obliged to take a case to a superior court when he, and perhaps the defendant also, were desirous of taking it to the county court; but satisfactory provision must be made for the satisfactory discharge of that jurisdiction in the county court. Mr. Woodhouse had suggested that bailiffs should be abolished. He thought this would work well where a solicitor was employed, but in the vast majority of county court cases this was not so, and if the bailiffs were abolished the service of the summons would be left in the hands of a class of persons who would not, he thought, do the work satisfactorily. County court fees were admittedly high but it must be remembered that much work was done for them which in a superior court would have to be charged for in another way. The county courts, with their present high fees, cost the country £250,000 a year. If the fees were reduced it would be necessary to abolish a large number of the smaller and unprofitable county courts.

Mr. Learoyd (Huddersfield) thought that if a superior class of solicitors went into the county courts, it would raise the tone of the county court bench.

Mr. Gribble (London) thought the expense would be much heavier than was anticipated.

Mr. Ellet (Cirencester) asserted that the country solicitors were not so unanimous in their desire that the county court jurisdiction should be extended as had been suggested.

Mr. Herbert (London) spoke in high terms of the county court judges. He thought the high bailiff should be abolished, and that the solicitors should be entitled to employ other persons than their clerks for serving writs, &c.

Mr. Birks (Hull) was in favour of the extension of county court jurisdiction.

Mr. Veley (Chelmsford) suggested that the extension should be confined to non-contentious business.

Mr. M'Lellan (Rochester) proposed (1) that the county courts should have exclusive jurisdiction up to £50, so as to deprive a plaintiff of his costs if the action was commenced in the High Court; (2) that the county courts should have concurrent jurisdiction with the high court up to £200, with power to remove to the high court as could now be done.

The President ruled that he could not accept this as an amendment.

Mr. Devonshire (London) thought it unadvisable that the society should commit itself to a resolution that the county court jurisdiction should be extended, unless the practice of the county courts be revised, and an adequate scale of costs determined. He suggested that this should be added to the motion by way of rider.

Mr. E. Kimber (London) seconded the proposition. He could not agree that the decisions of the county court judges were so infallible as had been represented. He asserted that they often refused to obey Acts of Parliament by declining to take a note

Mr. WAKE (Sheffield) thought that all must agree in the broad principle, and that it was desirable to have justice brought to their doors.

Mr. RYDER (St. Helens) did not know that the decisions of county court judges were always accurate. He thought the frequent appearance of solicitors in the county courts would do much to raise the *status* of the courts.

Mr. LAVERICK (Hull) observed that the profession in London had never taken kindly to the county court system, whilst in the country it was felt that there could be no question of the desirability of extending its jurisdiction.

Mr. WOODHOUSE, in reply, remarked that the objections raised to the reforms he had proposed had all come from London solicitors, and he would impress upon them that there was a broad distinction between their practice and that of their country brethren. The London solicitors had counsel always at hand and the courts just over the way, and had, therefore, not the necessity to resort to the county courts, which was experienced in the country. The country solicitor's remuneration was diminished by having to employ London agents, and if they could get their work satisfactorily done by the county courts it was to their interest as well as to their clients' that they should go to them. He maintained that the county court judges were very competent men. With the permission of the meeting he would alter his motion as follows:—"That in the opinion of this meeting it is expedient that the jurisdiction of county courts, at all events in the courts possessing bankruptcy jurisdiction, should be generally extended, and that the practice and procedure should be revised, and that the remuneration should be adequately increased."

The resolution was carried *nem. con.* in this shape.

OUGHT THE EXECUTION OF WRITS TO BE REMOVED FROM THE OFFICE OF SHERIFF?

Mr. F. K. MUNTON (London) read the following paper on this subject:—

After referring to the history of the office of sheriff, Mr. MUNTON said:—Let us look at the circumlocution connected with the putting into force of final civil process in England. Assume that a plaintiff recovers judgment by default, say for £100, with the average law costs of about £4, and that it is desired to realize this £104 on the debtor's goods. The creditor has to issue a lengthy, rambling document, bearing signs of an endeavour to modernize an ancient form, directed to the sheriff (without even mentioning his name, and he most assuredly will never see the writ nor trouble himself at all about it), authorizing the seizure of the defendant's goods within a certain district, but not elsewhere. This document being handed to the under-sheriff, that unctionary transfers his authority to a third person, the officer, and the first expense incurred by the suitor is a fee for No. 2 delegating or warranting No. 3. Here we may pause to look at some incidental points in reference to this preliminary and unnecessary item. If a levy be wanted on the Middlesex side of Westminster Bridge, the "warrant" costs 2s. 6d.; if you cross the bridge into Surrey, the fee is 5s.; whilst a warrant in, say, Lincolnshire, is 6s., and further still, say Lancashire, is 7s. These fees were of course fixed before railways and penny postage were universal; but there they remain, and although they may be unimportant *per se*, they serve to illustrate my point. Before passing on we may glance at one or two positive anomalies. Whilst ordinary process has long since been operative all over England, a writ of execution is for one county only. Near a boundary, not always well defined, a second writ often becomes necessary, and delays may be serious. Again, if you are moving about the time of change of sheriff, a new warrant is charged for on the strength of such change. If a sheriff dies, too, a new warrant must be made out; and even if the Sovereign dies, the process has to be gone through afresh, demonstrating that whilst every other step in an action has been simplified, the final process remains as complicated as ever. But we will suppose that the correct warrant has at last been handed to the third person, the bailiff, who is to execute the writ in such a way that the sheriff may "forthwith" return the result to the court whereout the process issued. Bailiffs are a class of people varying from a decently respectable auctioneer down to an impecunious person, who would stand at nothing to serve his own purpose. Blackstone defined bound bailiffs to be "mean persons appointed by sheriffs, on account only of their adroitness and dexterity in hunting and seizing their prey;" rather a harsh definition, but it was complimentary in a sense some of us would not indorse, for now-a-day few sheriff's officers are either adroit or dexterous—in fact, as a body, they are mere machines. It is understood that one of the usual conditions in a bailiff's security bond is that he shall notify, "day by day," what he has done under each warrant, whether successful or not, and that he will never make excessive or improper charges. It would be interesting to know whether any sheriff's officer in the kingdom returns "day by day" what his movements are. All I can say is, that in some counties I might name it would give me much satisfaction to peruse such a diary in relation to executions issued out of my own firm's office. Again, I should be glad to know of any instance of an under-sheriff voluntarily enforcing a bailiff's bond as regards excessive charges (unless proceedings have arisen), the under-sheriff, as far as I know, invariably leaving the unfortunate debtor to the mercy of chance. It is probably unnecessary for me to say that I am only directing attention to the system, and not blaming, as a body, the existing under-sheriffs, generally solicitors of the highest repute; but I submit that they have no direct interest, and it is no affair of theirs to keep strict watch over the officers, or, at all events, in practice they do not effectually do so. Neither am I condemning all bailiffs; there are officers and officers, and some in London and some in the country are to be trusted implicitly; but my case is that people armed with such important powers should either be permanent officers of the court, or persons under the direct and immediate control of the creditor's solicitor, strengthened by speedy means of appeal, on either side, in case of difficulty. I am told that in certain rural districts special bailiffs, nominated by the creditor's solicitors, are permitted to act, but the plan is scarcely feasible in large cities and towns under the existing system. To return to the officer with his warrant to levy the £104 above mentioned, and assume that he proceeds conscientiously and with alacrity, and that on calling at the debtor's house the claim is met in half an hour. Besides the ordinary legal costs of the writ, including the "warrant" fee before referred to, the debtor has to pay one guinea for the officer's visit, mileage at sixpence a mile beyond five miles from the officer's residence (and the officer may apparently live where he pleases), 5s. for possession money, 4s. 6d. for discharge fee, and, finally, £5 4s. for "poundage," so that whilst the total law costs from the commencement of the proceedings to the lodging of the execution average but £5, the expenses to the debtor within an hour is increased by one blow to about £12. If it be said that the debtor bears the burden, and the creditors need not complain, I answer that these prohibitory fees work as a drawback to the plaintiff, for a generous creditor hesitates to assert his right when he knows that the penalty to his adversary is disproportionably serious. I may here quote a very small case. A poor man living some seven miles from Charing Cross, London, had been paying off a considerable debt by easy instalments, and the final balance of £3 14s. 10d. falling in arrear, the creditor instructed the sheriff. Within ten minutes after the officer entered, the defendant paid the claim out thus: Debt, £3 14s. 10d.; law costs of execution and warrant, £1 5s.; levy £1 1s.; mileage, 10s.; poundage, 5s.; possession money, 5s.; release, 4s. 6d.; total, £7 5s. 4d. The mileage of ten shillings was clearly an extortion, but the frightened debtor paid it, and the bailiff in question may yet hear of this matter. I say nothing of the cost in the event of the debtor not paying the officer *instanter*, such as further possession money, auctioneer's charges, and the rack and ruin more or less inevitable to no organized system or surveillance; but very questionable actions pass unchallenged. As to extortion, an Act passed nearly fifty years ago constitutes it a contempt of court; moreover, an action will lie, and indeed a bailiff (though not the sheriff) may be indicted. But all these remedies are too complicated, for between the officer, under-sheriff, and sheriff, an ordinary person completely loses himself—in short, the legal machinery is rarely put into motion. The irregularities of bailiffs have, of recent years, assumed serious proportions, and they may be classed thus: mere neglect incident to the want of proper control, and wilful neglect for reward at the hands of the debtor, for most persons pressed to the extremity of an execution seek delay, and a *douceur* to the officer or his man is an undetectable bargain. This wilful neglect may be carried out in two ways: one by suspending the actual levy, the other, and more frequent course, levying formally and then quietly taking or charging 5s. a day for possession. I know of an interpleader case where 70s. was received for fourteen days' "possession," though the man only remained on the premises one night, limiting his attendance on the other thirteen days to a call at meal-times, and drawing from the unlucky debtor the price of an omnibus trip to and fro! This item recalls the fact that it is 1s. 6d. a day more than the authorized charge where the man is boarded (and he is invariably well looked after in this respect), but such excessive charge is now so commonly made that I have not come across an officer for years who recognizes a three-and-sixpenny fee for possession. Sometimes the officer, without instruction, sets himself up as a judge and takes the levy by instalments (probably on liberal terms to himself for the accommodation), and there are many other opportunities for the officer to retard progress before he gets to realization, and when he combines the business of auctioneer, as he frequently does, he is completely master of the situation. But let us consider what happens when there is a claim for rent, or, what is more common, a third party sets up a bill of sale or hiring agreement. What does the officer do? Does he with despatch apprise the creditor, and does he take the slightest trouble to ascertain the nature of the claim set up, or examine or check the schedules with the goods on the premises to see if there be a surplus? My experience is that he does neither; indeed, in many cases the officer does not move a pin's point until the creditor goes to the expense of issuing a peremptory rule of court against the sheriff, commanding him to certify the result of his labours. Interpleader summonses are issued in the most reckless manner, involving the creditor in delay and expense, and there is one reported case of an officer actually interpleading on the strength of a bill of sale given after the date of the levy! The neglect of sheriffs' officers has become so habitual—that is to say, it is found so difficult to procure voluntary speedy attention—that many practitioners issue a rule peremptorily demanding a return, simultaneously with the issue of the writ itself, a needless expense to a creditor simply because he cannot get at the officer by any less roundabout process. I could cite numerous instances of irregularities and troublesome conduct on the part of sheriffs' officers in various counties, but where their misdoings have not been followed by legal proceedings, I will not weary the members with details, confining myself to a particular case as a specimen. Having been provoked by many previous defaults, I recently made an example of the sheriff of a populous home county by demanding and obtaining damages for withholding the payment of the proceeds of a *fi. fa.* As soon as it was reasonably believed that the sheriff was in default, I resolved to issue a writ without the slightest notice; so in an action of *N.* v. *B.*, where the sheriff was ruled, and he omitted for half an hour beyond the prescribed time either to obey the rule or pay the money, the sheriff was served with a writ without even the formality of a letter. Now we all know that this is *prima facie* a very discourteous proceeding, and if any of us here were served with a writ for an ordinary claim without notice we should make a pretty strong remonstrance. Did the under-sheriff do so? Not at all. He was apparently so used to it that he simply sent a messenger immediately, not only to pay the full amount of judgment debt and costs of execution, but the indorsed costs of the writ against the sheriff. I declined the money on the following grounds: (1) I denied the right to tender at all in an action for damages; (2) no interest on the levy was offered; (3) I claimed compensation for detention of the fund; and (4) I frankly avowed that I wished to take every opportunity of exposing the system. Vague suggestions were thrown out but I stood firm, and in due time I put in a statement of claim, afterwards delivering particulars of a somewhat novel character, under four heads: first, the

claim of the few shillings interest on the amount directed to be levied; second, the expenses of ruling the sheriff; third, the nominal loss attendant on the money being withheld; and fourth (I copy this item nearly *verbatim*), "damages incident to plaintiff being obliged to make terms with sundry debtors from the impossibility of getting writs of *fi. fa.* executed by defendant in his county with anything like order or regularity, or obtaining the money from the defendant after execution of such writs." I reduced this latter item to a formal sum (it being inconvenient to deliver particulars of the debtors with whom I was compromising), and the claim altogether was experimental. It aimed at the system, rather than actual loss; nevertheless the fourth item was really well-founded in point of fact; and, as the master remarked at a later stage, he "wondered I had not indicted the parties." Not to weary the meeting, let me say that the sheriff, in the end, not only paid the sixty odd pounds originally levied, but £4 damages, and £11 19s. 6d. taxed costs, incident to his default. Few practitioners, however, would take this trouble, especially as the writ has to be pointed at the sheriff himself, who, one knows, is usually personally innocent. In some private correspondence I had with the new sheriff it transpired that before he had been in office twenty-four hours three complaints from solicitors reached him! I may say that there is now an improved state of things in the county in question, and, on the whole, I abstain from quoting the name in this paper. But we come back to the main question whether the time has not arrived for introducing a radical change in these matters, and in conclusion I throw out the following suggestions for the consideration of my professional brethren and the council of our society, should occasion offer for recommending alterations in the system:—(1) That the execution of final civil process should be removed from the office of sheriff. (2) That an execution department should be established in the Supreme Court, controlled by an official easily accessible. (3) That all writs of execution should be available throughout England, and be acted on without supplementary warrant. (4) That bailiffs should be appointed by the court, under proper regulations and supervision, and be answerable direct on application to the execution department by any person alleging himself to be aggrieved. (5) That writs of execution should be marked with the day and hour of issuing, and take priority accordingly, the writ being dispatched by the execution department straight to the bailiff in rotation. (6) That unless otherwise directed in writing by the creditor's solicitor, all proceeds of execution should be at once paid into court. (7) That the costs and fees on executions should be altogether revised. (8) That all business in relation to executions and interpleader should be transferred to the execution department with provisions for the speedy intervention of the judge. Lastly, that whether the foregoing suggestions be acceptable or otherwise, the system should be forthwith modified by stringent regulations so as in some degree to lessen the present abuses, which I venture to characterize as among the gravest in the practice of the law.

Mr. MILLER (Bristol) hoped that some such suggestion as that suggested with regard to the execution department, &c., would be adopted.

Mr. P. GODFREY (London) moved a resolution to the effect that the law of execution required amendment, and that the meeting would suggest to the council that the subject should be taken into consideration forthwith with a view to immediate legislation.

Subsequently Mr. GODFREY withdrew the motion, and a motion by Mr. MUNTON, that the recommendations contained in his paper should be taken into consideration by the council with a view to their suggested legislative action, was carried.

The meeting then adjourned.

SOLICITORS' BENEVOLENT ASSOCIATION.

The forty-ninth half-yearly meeting of this society was held on Wednesday morning at the Royal Institution, Albion-street, Hull, Mr. F. H. JANSON presiding.

The usual formal business having been transacted,

Mr. MARSHALL (Leeds) brought forward a motion of which he had given notice as follows:—"That having regard to the large accumulated funds of the society, and to the annual income from other sources and probable increase, this meeting recommends the board of directors to consider whether the amount granted might not be increased, and whether, if in their opinion this cannot be done, some other mode of carrying out the main objects of the society might be devised." He observed that the income of the association amounted to 1,731 guineas from annual members. There were also a certain number of life members who paid ten guineas, and a certain amount from donations under wills, and so on, which, although they might vary, might be looked upon as a sure source of income. Last year, in addition to the amount expended in relief, they had paid the whole of their expenses and had capitalised £1,600 or £1,700. He thought that a society so strong in funds actually and prospectively might properly spend larger sums in granting relief. He thought that instead of £30 a year being given to necessitous members, the sum might well be increased to £40 or £50. In canvassing for the society he was frequently met with the remark, "The society is rich enough, you don't want money," and it was very difficult under existing circumstances to answer that objection. They had the large accumulated capital of £44,000, which was constantly increasing by virtue of the bequests and other windfalls which came to the society. The annual subscriptions would also doubtless increase. He therefore begged to move his resolution.

Mr. BRAMLEY (Sheffield) seconded the motion. He thought the £15 given on an average to the non-members was not nearly sufficient.

The CHAIRMAN remarked that the total income in subscriptions for the last year was £1,817, for invested property £1,604, making £3,421. The working expenses were £743, leaving a balance of £2,677. There were ten board meetings, which would give £267 to be given at each meeting, without trenching upon donations or life-donations, and it appeared that in the course of last year £276 was expended in this manner at each board meeting, which, in the year, amounted to about £100 in excess of the receipts for annual subscriptions.

Mr. GRIBBLE (London) supported the resolution, and observed that if there were any necessity at any time for an increased income, the solicitors would respond to any appeal which might be made to them.

Mr. BURNE (Bath) was in favour of granting annuities instead of requiring the applicants to come to the board every year.

Mr. WILLAN (Darlington) thought that too much was paid to non-members. This rather held out a premium to solicitors to refrain from subscribing.

The CHAIRMAN remarked that the question was fully gone into at Brighton last year, when there was an unanimous expression of opinion that the society should not be considered as a benefit, but as a charitable association.

Mr. W. MELMOTH WALTERS (London) observed that the average amount given to non-members was £15, and to members £30. He objected to the accumulation of funds. What did they intend to do with them? Some were of opinion that they should be spent in bricks and mortar, and a school built; but he was most strongly opposed to this, and would have the money given so that the children might be sent to whichever schools were preferred by their friends.

Mr. WHITEHEAD (London) was opposed to the life subscriptions being treated as capital.

The motion was carried.

On the motion of Mr. BURNE (Bath), seconded by Mr. HARPER (Bury), it was resolved, "That the directors be requested to consider whether grants for such objects of the bounty of the society as may seem suitable may not be by way of annuity."

On the motion of Mr. W. BERIAH BROOK (London), seconded by Mr. SIDNEY SMITH (London), the bye-laws were altered, so that a public accountant should be appointed, in addition to two auditors selected from amongst the members.

Mr. Stephen Williams, Mr. Henry Soutar, and Mr. H. Schröder were elected auditors for the ensuing year.

Votes of thanks to the board of directors, who were re-elected, and to the chairman, were carried unanimously, and the proceedings terminated.

Previous to the resumption of the regular order of proceedings, on Wednesday, Mr. S. WHITEHEAD (London) said that the society were without an invitation for 1883, and suggested that they should entertain their provincial friends in London next year.

The PRESIDENT remarked that the matter had better be left to the consideration of the council. When the Metropolitan and Provincial Law Association was amalgamated with the Incorporated Law Society, it was stipulated that a meeting should be held annually in the provinces.

Mr. LEE (Birmingham) moved, and Mr. KEMP (Wakefield) seconded, that the paper on the Married Women's Property Act, by Mr. Lowe, be next taken, the subject being of great practical interest.

A discussion ensued, and eventually the motion was negatived.

At a subsequent period Mr. COTHAM (Bradford) moved: "That it be an instruction to the council to settle the order in which the papers are read at provincial meetings—that first in order should be read such papers as, in the opinion of the council, deal with subject-matters of great interest, having regard to their recent legislation, in preference to those of more general interest."

Mr. DEAKIN (Birmingham) seconded the motion.

The PRESIDENT thought it scarcely desirable that a resolution to this effect should be passed. The council were prepared to pay due attention to the wish of the meeting, and it would be better that it should be left in their hands.

The motion was withdrawn.

PRACTICAL SUGGESTIONS FOR THE ESTABLISHMENT OF COURTS OF COMMERCE.

Mr. A. M. JACKSON (Hull) read a paper on this subject.

ON THE INCONVENIENCE CAUSED BY THE CUSTOMS AND INLAND REVENUE ACT, 1881, AS TO DUTIES UPON PROBATES OF WILLS AND LETTERS OF ADMINISTRATION, AND THE MORAL OBJECTION TO THOSE ENACTMENTS.

Mr. W. SMITH (Sheffield) read the following paper with this title:—

In offering these observations, I beg to disclaim any idea of adding to the information already possessed by the gentlemen who hear me. The inconveniences of the present law as to probate duties are necessarily more frequently brought before solicitors than any other class of the community. To the merchant or manufacturer, or to men of other callings, the inconveniences in question occur, perhaps, only twice or thrice in a lifetime. But to the practising solicitor they are of constant occurrence. And therefore I wish to take the sense of a gathering like this, which, although possessing no official authority, may be taken potentially and actually to represent the views and feelings of the profession. Prior to 1880, the law and practice as to probate duties were based upon common sense and convenience. An executor, as is well known, cannot take a step (except "of his own wrong," as the law puts it)—cannot draw a cheque, or give a receipt, until he gets his probate. And inasmuch as in the great majority of cases considerable time is required before he can ascertain, with anything like accuracy, the exact amount or value of the estate, the law allowed him a margin by fixing stages of value; so that it was sufficient to depone that the value of the estate was (*e.g.*) above £1,000 and under £1,500. This met the circumstances of the case; and when the detailed account came in due time to be furnished, if it

were found that the value had been over-estimated, duty was returned; if the original estimate were insufficient, further duty had to be paid. So far as I know, the system worked well; and speaking with the experience of a solicitor who has been in practice thirty-eight years, I have no hesitation in saying that, as a rule, the Crown managed to get every penny it was entitled to. In 1880 the practice was introduced of requiring a detailed account of particulars of the estate to be delivered, along with the application for probate; but no alteration was made in the form of oath as to the value, and the account to be furnished was to include the "estimated value" of the particulars. But in 1881 the attempt was made to adjust the duties payable in the first instance on taking out probate, according to a standard more nearly approximating to a perfect theory. After all, it was but an approximation. The perfect theory would be to adjust the duties to every pound, shilling, and penny of the value of the estate. This, I think, may be taken admittedly to be impossible. The Legislature, however, seem to think—or those who pull the wires of the Legislature are of opinion—that the duties may at once, in the first instance, be adjusted to every £50 in value of the estate up to £1,000, and afterwards to every £100 of value. Well, I think that except in very small estates, and where the assets are of the simplest character, this is impossible. Take the case of a solicitor in good practice. He has bills in his books for chancery matters in which he cannot get his costs taxed and his bills paid until the actions are ended. His executor can only make a blind guess at their value as an asset. Or take the man of business, who is perhaps a partner in three or four different concerns in different parts of England. How can the value of his interests be ascertained with anything like exactness within the time by which it is absolutely necessary that probate should be taken out? But the executor has to pledge his oath before he can obtain probate that the account is "a true account of all the personal estate and effects of the deceased," &c., and that "the gross value thereof altogether is £ "; and his deposition that this is true ends with the solemn words, "so help me God"; which are equivalent to the more impressive Scotch phrase "as I shall answer to Almighty God"! It is true that all this is qualified by the concluding words of the affidavit, "to the best of my knowledge and belief." But does not this open the door to great laxity, and negligence of the sanctity of an oath? And is it not morally wrong to compel a conscientious person, who happens to be appointed an executor, to pledge his oath to the entire accuracy of an account, even but to the best of his knowledge and belief, when he feels that he has not had time to make that full inquiry which is necessary to enable him to ascertain within some hundreds—it may be more—of pounds the total value of the estate? And what is the value of "knowledge and belief," where by the very hypothesis that "knowledge" is imperfect, and "belief" based upon that "knowledge" must necessarily be worthless? If the meeting concur in the above views, I hope we shall not separate without urging upon the council of the society the desirability of their taking action with the view of returning to the former practice, which was infinitely more convenient, and did not press upon tender consciences in the matter of the oath.

Mr. WAKE (Sheffield) hoped that the society would be able to bring their weight to bear in the direction of recognizing the sanctity of an oath. He would suggest that they should take the paper into consideration with a view to legislation, by which a temporary probate might be granted, so that a return might be made and in six or twelve months afterwards increased duty might be paid.

The PRESIDENT said that shortly after the Act was passed he had seen Mr. Hanson in a case that arose in his own office under which he was subjected to great inconvenience. His reply to his (the President's) complaint was that the practice had prevailed in Scotland for an indefinite period and was considered to act well by the Inland Revenue authorities, and had been forced upon them by their having been forced to consent to the deduction for debts. He (the President) did not think there was anything in the moral objection, because the oath was qualified by "the best of my knowledge and belief."

Mr. MUNTON (London) knew several cases where executors had declined to prove wills at all, and were practically carrying on the testator's business and undergoing all the risks that would accrue under such circumstances.

Mr. J. DODDS, M.P. (Stockton-on-Tees) could not agree in the conclusion of Mr. Smith's paper. He (Mr. Smith) proposed to go back to the former practice, which would be a step in the wrong direction. They had better proceed on the lines which they had taken up by recent legislation and improve the practice so as to get rid of the difficulties which had been referred to. Solicitors were now allowed to deduct the debts owing by the testator. Everything was of course approximate, and he thought the suggestion that there should be something in the shape of a professional certificate in the first instance, giving validity to the will and leaving the exact amount to be ascertained at a subsequent period, would work well. He thought that the difficulties which had been referred to could be met by improvements in the regulations at Somerset House, and that further legislation was not needed. It had been under consideration whether the whole of the probate and legacy duties should not be paid in one lump; but it was never contemplated that it should be paid down immediately upon the death of the testator, but that the person having to pay it should have the option of paying it at either time, in the way that succession duty was now paid—paying interest at four per cent. and being allowed interest at four per cent. on payments being made in anticipation. The steps that had been taken had been in the right direction, and things would work better in the future than in the past. There would always be a little room for laxity.

Mr. BURNE (Bath) spoke of the very great inconvenience to solicitors in the arrangements at Somerset House whenever it was necessary to go into the probate room and the clerk had to "draw" the affidavit, when the solicitor was sometimes kept two hours waiting for the will and affidavit.

Mr. DODDS observed that this was entirely a matter of arrangement at Somerset House, and that no legislation was needed.

Mr. WAKE moved, "That Mr. Smith's paper commends itself to this meeting, as containing matter well worthy of the best and earliest attention of the Council of the Incorporated Law Society."

Mr. DODD (London) seconded the motion, which was carried.

SUGGESTIONS FOR THE IMPROVEMENT OF THE LAW OF COPYRIGHT.

Mr. T. A. ROMER (London) read a paper on this subject.

Mr. MUNTON (London) criticised the arrangements at Stationers' Hall, and suggested that they should be placed under the control of a solicitor.

SOLICITORS AND THEIR SELF-CREATED HINDRANCES AND HELPS.

Mr. S. LEAROYD (Huddersfield) read a paper upon this subject, which we hope to find room for hereafter.

Mr. BRAMLEY spoke in favour of raising the standard in the preliminary examination.

Mr. KIMBER was of opinion that the preliminary examination should be made as severe as the matriculation examination.

Mr. L. EMANUEL (London) urged that solicitors should be permitted to send documents to a solicitor who should lay himself out for such work instead of being obliged to send them to a barrister.

Mr. WALTERS was glad to be able to state that all applications for dispensing with the preliminary examination were now submitted to the Council of the Incorporated Law Society. He agreed in the principle that solicitors should extend their efforts in the direction of appearing as advocates; but it must be remembered that the solicitor had to occupy himself with an endless variety of work. Let those who felt themselves fit for the work do it, but let others call in the legitimate specialist, the barrister.

OUGHT SOLICITORS TO BECOME AUCTIONEERS?

Mr. J. S. RUBENSTEIN (London) read a paper thus entitled as follows:—

But three months ago the question "Ought solicitors to become auctioneers?" would have sounded strange if not meaningless. In Liverpool, it is true, and perhaps in some other parts of the country, sales by auction have been conducted by solicitors up to the point at which the property was actually put up to be bid for; then the auctioneer steps in. And in Scotland the same practice prevails. But London solicitors at least, and indeed the vast majority of the profession, had never thought of competing with auctioneers. By the General Order laid before Parliament on the 10th of August last, under the Solicitors' Remuneration Act, 1881, this question has however been suddenly raised. The order expressly authorises solicitors to make professional charges for conducting sales by public auction. It provides, moreover, that "the scale for conducting a sale by auction shall apply only in cases where no commission is paid by the client to an auctioneer." These are the very words of the order. Is not the inference irresistible that the highest legal authorities in this country consider that the work hitherto done by the auctioneer may properly be done by the solicitor? Attempts have indeed been made to fasten some other meaning upon the order; but those attempts have failed. That solicitors may therefore act as auctioneers, without in any way overstepping the bounds of professional propriety, must be taken to be beyond dispute. The practice has hitherto been local and exceptional; it has now been officially recognized and officially sanctioned. The one question that remains for discussion is a question, not of professional etiquette, but simply of expediency. It is not unprofessional for a solicitor to act as an auctioneer; but is it wise for him to do so? At the very outset it must be allowed that the ordinary duties of an auctioneer are in no way unworthy of solicitors. A fair knowledge of surveying and of the management of farms and building estates, sufficient literary and descriptive talent to draw up a business-like advertisement, the self-possession, good humour and address necessary for the actual conduct of a sale would be very desirable additions to the qualifications of many solicitors, and would lower the dignity of none. Can any good reason be given why a solicitor should not exercise these qualities if he possesses them, why he should not by such exercise cultivate his business talent, and why such business talent should not receive the increased remuneration it deserves? From a professional point of view an objection, perhaps the only one, may be urged against solicitors undertaking these new duties—namely, that these duties may lead to touting, and a consequent lowering of the tone of the profession. If this result were inevitable, or even in any high degree probable, then this extension of the solicitor's duties could not be too strongly deprecated, not only in the interests of the profession, but in the interests of the public. Nothing that degrades the profession can profit the public. But is there any good ground for supposing that this enlargement of their sphere will tempt solicitors to be untrue to the honourable traditions of their profession? The men that would tout then are the men that tout now. Every extension of the duties of the profession, every development of new branches of law, as has been seen for instance in regard to bankruptcy and public companies, opens a new field for professional improprieties in opening a new field for professional activity. But is the development of the profession to be hampered because every new field must be open to the unscrupulous few as well as to the upright many? The leaders of the profession and the great body of its members may surely be trusted in the future, as in the past, to condemn and practically to weed out unworthy or unprofessional practices. In the interest of the client is not the innovation on the whole desirable? It is no true division of labour to employ two to do the work of one. If particulars of sale can be prepared and properly submitted to competition as well by the solicitor as by the auctioneer, then the division of labour entailed by the employment of two persons in place of one is no longer a gain to the client but a positive loss. In mercantile affairs it is not now considered an advantage to break up business into a needless multiplicity of branches. In large establishments where many branches are combined, the public can be better

and more cheaply supplied than if they made their purchases at many small shops. Even now legal firms divide their work into departments. What could be simpler than to extend the conveyancing department so as to include the conduct of sales by auction? The public would benefit by the unity of management, and still more by the high standing and responsibility of the persons to whom their sales would be intrusted. At present anyone can call himself an auctioneer, and hold himself out as competent to conduct a sale, no matter how large or important. Considerable sums frequently pass into the hands of auctioneers by virtue of their calling. Can there be a doubt that it would be to the advantage of the public to be able to employ men occupying the position of officers of the court and directly subject to its control? In the training a solicitor must undergo before he can be admitted, and in the position he subsequently occupies as an officer of the court, the public have guarantees for the due discharge of the duties such as can be given by no other class of persons. Auctioneers of the highest standing and the nicest sense of professional honour there undoubtedly are, but the public have no protection such as the employment of solicitors will give. The changes thus foreshadowed have come upon solicitors generally entirely by surprise, and no doubt find some to whom they are unwelcome, and many more to whom they are still puzzling. To attempt now to frame regulations for the guidance of this new departure may perhaps be premature, if not unwise; but such changes, far reaching and of vast importance as they undoubtedly are, may well lead to still further enlargement of the duties, of the responsibilities, and also of the rewards of the profession.

There was no discussion.

SIMONY.

Mr. G. R. Dodd (London) read a paper on this subject.

MARRIED WOMEN'S PROPERTY.

Mr. F. W. Lowe (Birmingham) read the following paper on this subject:—In olden times, before the primitive rules of our much-venerated common law had begun to yield to the encroachments of an advancing civilization, the title of my paper would have seemed but a paradox; for I must have started with the initial doctrine that a woman with all her belongings became, by the act of marriage, altogether invisible to the eye of the law, except as forming part of the estate of the man to whom she had thus resigned her being. This process of merger, I believe, came into vogue mainly for the advantage of women themselves, who were wont to be regarded as the weaker sex; and, therefore, to need for themselves and their property the more powerful control of those, who were looked upon as their most natural protectors. But, as everyone is aware, this time-honoured doctrine has long since undergone a considerable amount of change. Whether it was considered too plain in its native simplicity to form part of a system of law so complicated as our own, or whether women gradually awoke to the consciousness that this absolute control on the part of their husbands was not altogether consistent with what they had learned to consider as their rights, I know not. At all events, let it suffice for me to say that a great change has taken place. Trustees have in very many instances been substituted for husbands as protectors of the property of married women. The Court of Chancery has assumed a special control over such property, in like manner to that of infants and other persons supposed to need protection; and various statutory enactments have from time to time been passed with similar objects in view. So that married women have long since emerged from what I will call their "extinct coverture," and have gradually attained to the proud position of being entitled by law to enjoy property separately and apart from their husbands. But, although the original doctrine of husband and wife being considered one person in law has been thus modified, it has until recently continued to exist, and it has moreover been hitherto recognized as the basis upon which all laws affecting husband and wife have been founded. Unfortunately, all husbands are not good husbands, and even if they were, they are not all provident and careful over money matters; otherwise, married women's property would probably have continued to be as little known to lawyers of the present as it was to those of the past. But this being so, and likely to continue so to the end of the chapter, I do not think that many will complain that the doctrine of separate estate has hitherto been carried farther, or, at all events, not much farther, than was necessary and expedient in order to prevent the possibility of married women of means being ruined and left destitute by reason of their property being squandered or lost by spendthrift or improvident husbands. But whilst the necessity of guarding against the vagaries of bad husbands has thus become recognized, the majority has not hitherto been altogether sacrificed for the minority. The fact that there are very many more good husbands, able and willing to look after and protect the property of their wives, has not been altogether ignored. Hence the fundamental principle of unity between husband and wife, to which I have referred, has been preserved throughout all changes; and it would be difficult to trace anything in the decisions or statutes hitherto regulating this subject which could be said materially to war against this principle—anything which could be said to raise up bones of contention between husband and wife—or anything which could by possibility be construed as likely to provide weapons to either with which to destroy the harmony of domestic life. Prior to the Act of 1870, the law affecting the property of married women, stated briefly and generally, seems to have been pretty much as follows:—The husband of a married woman, immediately on his marriage, became entitled to the whole of her property, with the exception of her real estate, in which he took a qualified, but still a very substantial interest. This rule, however, was subject to exceptions in the following cases:—(1) The wife had a certain qualified property separately from her husband in articles of personal adornment, usually referred to as her paraphernalia; (2) she was entitled in equity to enjoy all property settled to her separate use, with the intervention of a trustee; (3) she was entitled to a settlement on the part of her husband, whenever he had to seek the aid of the Court of Chancery, in order to possess himself of any property that he was entitled to in her right; (4) she was entitled to enjoy, as her separate property, all earnings acquired by her in any business carried on apart from her husband after she had obtained protection under the Divorce Act. In addition to these exceptions, she had the chance of again acquiring, by survivorship, any of her chattels real which her husband had not disposed of, and any of her *choses in action* which he had not reduced into possession. But these were indeed very remote contingencies, and could hardly be said to constitute an additional class of separate property. The concurrence of a married woman was necessary in the disposal by her husband of her real property and of her reversionary personalty, and, as a safeguard against her being coerced into this concurrence, the Fines and Recoveries Act and Malins' Act respectively rendered the formality of separate acknowledgment on her part also necessary. And a married woman was totally unable either to sue or be sued in her own name, except, perhaps, when carrying on business apart from her husband, and having the protection to which I have referred. I think that up to this point no one could say that the doctrine of "separate estate" had been carried in any degree too far. I next come to "The Married Women's Property Act, 1870." The chief alterations effected by that Act may be shortly stated as follows:—(1) The earnings of any married woman *acquired after the passing of that Act*, apart from her husband, and all investments of them, were declared to be her separate property; (2) all personalty coming under an intestacy, and money not exceeding £200 coming under a deed or will, to any woman *married after the passing of the Act*, were declared to be her separate property; (3) the rents and profits of any freehold, copyhold, or customary property (not affected by settlement) coming to any woman *married after the passing of the Act*, as heiress or co-heiress of an intestate, were declared to be her separate property. It was also provided that certain investments of money might be made, and certain policies of life assurance might be effected in the name of a married woman for her separate use. But as the husband would in these cases have to be more or less of a consenting party, and as the same things could previously have been carried out by settlement with the intervention of a trustee, I do not think that this provision made any material alteration. Another provision, however—namely, that a married woman could take civil and criminal proceedings with regard to her separate property, in her own name—certainly created an entirely new principle; but, strangely enough, there was no provision for similar proceedings being taken against her. The principal changes, then, effected by this Act, were the creation of the three new kinds of separate property which I have mentioned, and the enabling a married woman to institute proceedings in her own name. It will be seen that these changes trespassed, to some extent, upon the old doctrine; but it was still preserved, and the effect in practice has certainly not been to create any separate legal *status* for women materially different from that which they before possessed. But now a great and revolutionary change has suddenly been wrought. At the fag end of last session a large and important measure upon this subject was hurried through Parliament with scarcely any warning and with scarcely any protest. I need hardly say that I refer to the Married Women's Property Act, 1882, which ostensibly professed to consolidate all previous law upon this subject. I do not know what meaning the framers of this Act desired to convey by the word "consolidate," but a perusal of its provisions shows beyond all question that, instead of consolidating, they have in effect made away with the greater portion of the law which was previously considered to govern the property of married women. And they have not only done this, but they have proceeded to enact their new law from an entirely different standpoint and on an entirely new basis from that upon which the whole of the previous law was founded. The most material of its provisions are as follows:—(1) Any woman *married before the Act comes into operation* (the 1st of January, 1883) is to be entitled to hold and dispose of all property whatsoever, her title to which accrues after that date, as her separate property in the same manner as a *feme sole*, and without the intervention of a trustee. (2) Any woman *married after the Act comes into operation* is to be entitled to hold and dispose of as her separate property, in like manner, all property whatsoever belonging to her at the time of her marriage, or which after her marriage she may acquire, or which may devolve upon her. (3) Any married woman *whether married before or after the commencement of the Act*, is empowered to enter into contracts in her own name—she may sue and be sued in contract, in tort, or otherwise, in her own name—and she may have, in her own name, all the same remedies, civil and criminal, for the protection and security of her separate property as if she were a *feme sole*. Any damages which she may recover in any action are to belong to her for her separate use. And all this, with few, and as I think, unimportant, exceptions, is to apply to dealings with and proceedings against her husband in the same manner as with and against other persons. (4) Any married woman having moneys *invested at the commencement* of the Act in any of the very numerous classes of security specified, either in her own name or jointly with some other person (not being her husband), and any married woman who shall invest moneys or have moneys invested for her in like manner *after the commencement of the Act*, will, unless the contrary is shown, be entitled to hold them as her separate property, and she may receive the dividends and transfer the securities quite independently of her husband. (5) As a natural consequence of the provisions I have mentioned, all the separate property of any married woman is to be liable in law to meet her general engagements, and to compensate for any wrong committed by her, or for any costs to which she may become liable in any action. She is to be liable to criminal proceedings on the part of her husband to the same extent as he is to be liable to criminal proceedings on her part. She is to be subject to the bankruptcy laws. And she is enabled to accept any trust or to undertake the office of executrix or administratrix in the same manner as a *feme sole*, and without the consent of her husband. (6) The Act is not to interfere with the provisions of any settlement or with any restriction against

anticipation which may be attached to the property of any married woman. It is somewhat remarkable that the application of the Act of 1870 should have been so carefully limited to women married after its commencement, whilst this Act is made to apply, almost without exception, to married women generally, whether married before or after it comes into operation. It seems to me that it would have been better to allow a little more time for the country to prepare itself for legal changes of this magnitude. Then, too, this Act seems to be inconsistent with the policy of the previous law affecting this subject, in the following respect:—Before, even when there was no restriction against anticipation attaching to the separate property of a married woman, she had by no means so full a power of disposing of it as is conferred upon her by this Act. Now, apart from any settlement, she will be as free and unfettered in this respect after marriage as before, and during the whole period of her coverture she will be left entirely open to that exceptional influence on the part of her husband which it has hitherto been the policy of our laws to guard against. For this reason I fear that there is danger of the Act itself defeating the very purpose it was intended to serve. But my chief objection is that, without really giving very much more protection to married women than they had before, it has the effect of severing the interests of husband and wife, when the first aim of our legal policy should be, as heretofore, to make these interests as far as possible identical. Before, as I have endeavoured to show, although the untoward circumstance of a bad husband was necessarily guarded against, it was still recognized that the great majority of husbands and wives live happily together in domestic harmony, and the underlying principle of unity was accordingly preserved. But now the majority are made to yield to the minority, for this new legislation appears to be based on the unheard-of assumption that married people generally are hostile to each other, and that they are living in a state of domestic strife, each trying to amass a separate competence, which shall be safe from the depredations of the other. The idea that their interests can, by any possibility be identical, seems to be utterly discarded. They cease, for all legal purposes, to be one person; and henceforth, married women, though living with their husbands under the same roof, and sharing everything with them, are to stand out before the law in almost identically the same position as a *feme sole*, retaining everything which they possess, or which they may ever possess, quite independently, and having rights and interests which may frequently be set up in direct antagonism to those of their husbands. It may be said that this won't affect those who are living happily together, as they will not be likely to disagree over questions of money, whichever it may technically belong to in point of law. But it seems to me that the Act, throughout the whole of its provisions, holds out inducements to married people to quarrel such as no previous law has afforded; and we know what a fruitful source of contention money is even amongst the best of people. We can imagine that a woman prone to extravagance would be much less likely to act prudently if she is able to do everything quite independently of her husband, and without recourse to him. We can imagine that a woman prone to be unfaithful to her husband would be much more likely to yield to temptation, and leave him, when she is provided with means independently of the slightest control on his part. Again, it may be said that all this may be prevented by settlement. But it must be remembered that in very many cases, especially amongst the less wealthy classes, there are no settlements, and that it is to provide for cases in which there are no settlements that the law has been changed. It seems to me, then, that I am not in any way overstating the gravity of the principle upon which this measure is founded, when I say that it strikes at the very foundation of our social system; and I do not believe that it will be very generally acceptable in this country when there has been time for its provisions to become known, and for its full moment and importance to be appreciated. That they were not generally known at the time when it became law, I think is sufficiently evidenced by the fact that it encountered but slight opposition in either House of Parliament, and none whatever from outside. It is, in effect, a great step in advance for that small but ardent body of politicians who advocate the political equality of women with men, and who are constantly striving to obtain for women the political franchise and other so-called rights. That married women should be enabled to vote upon political questions, even against their husbands if they feel disposed, is certainly the logical consequence of this measure, and I have little doubt that it is simply the prelude to the introduction of other measures for what is popularly termed the emancipation of women, and that if it is allowed to go unchallenged we may reasonably look for other surprises of a like nature before many sessions of Parliament have elapsed.

A discussion followed in which a very general expression of opinion was given in opposition to the Act.

Mr. HOWLETT protested against a Bill being hurried through at the end of the session without adequate discussion.

Mr. WAKE moved, "That in the opinion of the meeting the Married Women's Property Act should be repealed at the next opportunity."

The PRESIDENT was afraid he would be compelled to rule the motion out of order. It was most desirable that politics should not be admitted into the discussion. This was not a question of law and the council could not, except in details, make a suggestion. The Bill so far from having been hastily passed had been before the council as early as March in the present year, and was almost a reproduction of one that was before them last year.

A FEW SUGGESTIONS FOR THE APPOINTMENT OF OFFICIAL TRUSTEES OF PRIVATE ESTATES.

Mr. J. TANNER RAY (Bradford) read a paper on this subject.

The following papers were not read, their writers not being present:—

"Solicitors and the Public," Mr. F. T. BIRCHAM (London).

"A Few Thoughts on the Laws which affect a Bastard Eigné," Mr. S. WILLIAMS (London).

"Legal Education," Mr. F. A. CHATWIN (Birmingham).

VOTES OF THANKS.

A cordial vote of thanks to the Hull Law Society was, on the motion of Mr. WALTERS, seconded by Mr. HOWLETT, passed upstanding, and with acclamation.

Mr. LOWE, President, and Mr. WATERHOUSE, Secretary, of the Hull Law Society, replied.

On the motion of Mr. MUNTON, seconded by Mr. BRAMLEY, a vote of thanks was passed, with applause, to the Philosophical Society for the use of their building.

Mr. DEVONSHIRE moved, and Mr. SHIRLEY seconded, a vote of thanks to the readers of the papers, which was carried unanimously.

A vote of thanks to the President was moved by Mr. HARVEY (Liverpool), seconded by Mr. WINTERBOTHAM (Stroud), and carried upstanding with cheers.

The PRESIDENT briefly returned thanks, and the proceedings terminated.

On Tuesday evening a dinner was given by the Hull Law Society at the Public Rooms, Jarratt-street. Mr. FRANCIS LOWE, President of the Hull Law Society, occupied the chair, and about three hundred gentlemen were present.

On Wednesday evening a very successful and largely attended ball was given in the same place, and on Thursday excursions were made to several places of interest in the locality.

OBITUARY.

MR. HENRY BATHURST.

Mr. Henry Bathurst, solicitor, died at Faversham on the 1st inst. in his seventieth year. Mr. Bathurst was born in 1813. He was admitted a solicitor in 1853, and he had ever since practised at Cheltenham, having for many years been in partnership with his elder brother, the late Mr. Richard Bathurst. The deceased was a perpetual commissioner for the county of Kent, and he had an extensive private business. He was for many years auditor for the East Kent Poor Law District, and he was also solicitor to the Faversham Starr Bowkett Building Society, and secretary and solicitor to the Faversham Gas Company. Mr. Bathurst's death has caused universal regret at Faversham.

MR. GERALD FITZGIBBON, Q.C.

Mr. Gerald Fitzgibbon, Q.C., of the Irish bar, died on the 27th ult., in his ninetieth year. Mr. Fitzgibbon was born in 1793, and he was for many years engaged in teaching. He was called to the bar at Dublin in 1830, and he received a silk gown in 1841. He had for many years a large leading business, and in 1843 he was one of the counsel for the defence in the *O'Connell* State trials. Mr. Fitzgibbon held for a short time the rank of serjeant-at-law, and in 1860 he was appointed a master of the Court of Chancery in Ireland. He held that office for nineteen years, and in 1879 (at the age of eight-six) he retired on a pension. Mr. Fitzgibbon was the father of the Right Hon. Lord Justice Fitzgibbon.

MR. EDMUND JAMES DANIELL.

Mr. James Daniell, solicitor (of the firm of Bevan & Daniell), of 40, Chancery-lane, died suddenly at his residence, Page Green, Tottenham, on the 2nd inst. Mr. Daniell had been for some time out of health, but had spent a part of the Long Vacation at the seaside, and was thought to have returned home very much better, but on the day above-mentioned he was found dead in his bed. He was born in 1814. He was admitted a solicitor in 1839, and he had been for several years in partnership with Mr. Arthur Talbot Bevan, solicitor to the Brewers' Company. Mr. Daniell formerly resided at Forest Gate, and he acted as solicitor to the Epping Forest Defence Fund long before the question of the preservation of the forest was taken up by the Corporation of London.

MR. HENRY LAWES.

Mr. Henry Lawes, barrister, died at Hawthorne, near Melbourne, on the 7th of August, from disease of the heart. Mr. Lawes was the son of the late Mr. Serjeant Edward Lawes, and was born in 1832. He emigrated to Australia about thirty years ago, and he spent some time at the gold-fields. He was afterwards clerk in the offices of the Master in Equity, and in 1859 he was called to the bar at Melbourne. He was for many years one of the leading practitioners in insolvency cases, and he had also a fair share of practice in equity. He had been several times elected mayor of the municipality of Hawthorne. Mr. Lawes leaves a widow and a large family.

MR. EDWARD THOMAS SMITH.

Mr. Edward Thomas Smith, one of the judges of the District Court of Jamaica, died on the 26th ult., from angina pectoris, when on the voyage from Jamaica to England. Mr. Smith was born in 1826. He was educated at Tunbridge School and at Brasenose College, Oxford, where he graduated B.A. in 1853. He was called to the bar at Lincoln's-inn in Hilary Term, 1862, and for several years went the Home Circuit, attending also the Central Criminal Court, and the Middlesex and East and West Kent Sessions, where he had a fair share of criminal business. He had been employed for nearly ten years in the colonial service. He was appointed a police magistrate at the Falkland Islands from 1873 till 1876, when he was appointed a stipendiary magistrate for the Colony of British Guiana, and

in 1881 he became a judge of the District Court of Jamaica. Mr. Smith was married to the daughter of Mr. Charles James Homfray, of Wandsworth, who died a few months ago.

MR. HENRY BEAUMONT.

Mr. Henry Beaumont, solicitor, died at Grantham on the 7th inst. Mr. Beaumont was born in 1830. He was admitted a solicitor in 1852, and he had practised for nearly thirty years at Grantham. He had a large private business in the town and district, and he had held several important appointments. He was formerly town clerk of Grantham, and at the time of his death he held the office of clerk of the peace for the borough. He was clerk to the Commissioners of Income Tax and Assessed Taxes for the districts of Winnibrigg, Threco, and the Soke, and secretary to the Grantham Hospital. He also for many years acted as deputy-coroner for the Grantham Division of Lincolnshire, and about three years ago he was elected coroner for the same division.

LEGAL APPOINTMENTS.

Mr. Frederick Lupton, solicitor, of North Walsham and Stalbain, has been appointed a Commissioner to administer Oaths in the Supreme Court of Judicature.

Mr. William Harry Hartley, solicitor, of Burnley, Colne, and Nelson, has been appointed Registrar of the Burnley County Court (Circuit No. 11), on the resignation of his father, Mr. Henry Waddington Hartley. Mr. W. H. Hartley was admitted a solicitor in 1873. He is clerk to the county magistrates for the Colne Division.

Mr. Charles Cecil Trevor, barrister, has been appointed one of the Delegates of the British Government to the International Conference as to the protection of Submarine Telegraph Cables. Mr. Trevor is the son of Mr. Charles Trevor, many years solicitor to the Inland Revenue Department. He was educated at St. Catherine's College, Cambridge, where he graduated as a junior optime in 1852, and he was called to the bar at Lincoln's-inn in Easter Term, 1855. He formerly practised in the Court of Chancery, and he has been assistant-secretary to the Harbour Department of the Board of Trade since 1866.

Mr. William Drennan Andrews, LL.D., Q.C., who has been appointed a Judge of the Exchequer Division in Ireland, on the resignation of Mr. Baron Fitzgerald, is an LL.D. of Trinity College, Dublin. He was called to the bar in Ireland in 1855, and he became a Queen's Counsel in 1872. He has practised on the North-East Circuit.

At a congregation held on Thursday at the University of Cambridge, the degree of LL.D., was conferred on Mr. Walter Codd, B.A., solicitor, of Liverpool. Dr. Codd was educated at Abingdon House School, Northampton, from which place he gained an open Mathematical Scholarship at St. Peter's College, Cambridge. During each year of his residence he obtained the first mathematical prize of his college, and graduated with first-class honours in the mathematical tripos of 1869. Dr. Codd was articled to Messrs. Valpy & Chaplin, of London, and passed his final examination with honorary distinction. He subsequently passed the examination for the LL.M. degree at Cambridge, and in 1878 became a partner in the firm of Messrs. G. R. Rogerson & Co., solicitors, of Liverpool.

NEW ORDERS, &c.

HIGH COURT OF JUSTICE.—CHANCERY DIVISION.

Order of Court.

Friday, the 13th day of October, 1882.

Whereas the Hon. the Vice-Chancellor Sir Charles Hall has resigned the office of judge of the High Court of Justice; now I, the Right Honourable Roundell Baron Selborne, Lord High Chancellor of Great Britain, do hereby order and direct as follows: (1) That all causes and matters which by the order of the 7th day of June, 1882, were transferred from the Vice-Chancellor Sir Charles Hall to and now remain assigned to the Hon. Sir Edward Ebenezer Kay, or which have been since marked with the name of the Vice-Chancellor Sir Charles Hall as assigned to him, be and stand transferred to the said Sir Edward Ebenezer Kay and be marked with his name. (2) That the chief clerks and other clerks attached to the chambers of the Vice-Chancellor Sir Charles Hall continue to perform the same duties in relation to Sir Edward Ebenezer Kay as those which they have hitherto performed for the said Vice-Chancellor. (3) That this order be entered with the registrar and set up in the several offices of the Chancery Division of the High Court of Justice.

Selborne, C.

Viscount Portman, who has held the post of Chairman of the Dorset Quarter Sessions for a great many years, has announced his intention of resigning at the end of the current quarter.

COMPANIES.

WINDING-UP NOTICES.

Joint Stock Companies.

Limited in Chancery.

Brunswick Lager Beer Brewery, Limited.—By an order made by Day, J., dated Oct 5, it was ordered that the brewery be wound up. Chapman, London wall, solicitor for the petitioner

C. W. Meiter & Company, Limited.—North, J., has fixed Friday, Oct 27, at 12, at the chambers of Fry, J., for the appointment of an official liquidator

General Share Trust Company, Limited.—By an order made by North, J., dated Oct 4, it was ordered that the company be wound up. Billing, Church ct, Old Jewry, solicitor for the petitioner

Georgia Land, Lumber, and Colonization Company, Limited.—By an order made by Day, J., dated Oct 6, it was ordered that the company be wound up. Wild and Co, Ironmonger lane, solicitors for the petitioner

Newmarket Collieries, Brickworks, and Pottery Company, Limited.—Petition for winding up, presented Oct 12, directed to be heard before the Vacation Judge, at Lincoln's inn, on Wednesday, Oct 25. Bellamy and Co, Bishopsgate st Within, solicitors for the petitioner

Norfolk and Norwich Angling, Boating, and Pleasure Ground Company, Limited.—Petition for winding up, presented Oct 11, directed to be heard at the court of Hall, V.C., on Oct 25. Sharpe and Co, New ct, Carey st, solicitors for the petitioner

Tyllwyd and Dynevor Colliery Company, Limited.—Day, J., has, by an order dated Sept 29, appointed John Lewis, Birmingham, to be official liquidator

[*Gazette*, Oct. 13.]

Barbados Gas Company, Limited.—Petition for winding up, presented Oct 17, directed to be heard before Chitty, J., on Nov 4. Sharpe and Co, New ct, Carey st, solicitors for the petitioner

Lincolnshire Iron Smelting Company, Limited.—Petition for winding up, presented Oct 10, directed to be heard before the Vacation Judge on Oct 25. Minet and Co, New Broad st, agents for Tweed and Co, Lincoln

North Ooregum Gold Mining Company, Limited.—Petition for winding up, presented Oct 16, directed to be heard before Kay, J., on Nov 3. Gasquet and Metcalfe, Idol lane, Gt Tower st, solicitors for the petitioners

Pure Beverage Company, Limited.—Day, J., has, by an order dated Sept 21, appointed Henry Newson Smith, 37, Walbrook, to be official liquidator. Creditors are required, on or before Nov 6, to send their names and addresses, and the particulars of their debts or claims, to the above. Nov 13 at 12 is appointed for hearing and adjudicating upon the debts and claims

[*Gazette*, Oct. 17.]

County Palatine of Lancaster.

Limited in Chancery.

Goole Alum and Smelting Company, Limited.—By an order made by the Vice-Chancellor, dated July 24, it was ordered that the above company be wound up; and that Ebenezer Adamson, 25, Booth st, Manchester, be appointed official liquidator. Chorlton, Manchester, solicitor for the petitioner

[*Gazette*, Oct. 13.]

Friendly Societies Dissolved.

Masonic and Co-operative Bank, Limited, 27, Chancery lane. Oct 10

[*Gazette*, Oct. 13.]

Co-operative Assurance Friendly Society, City bldgs, Corporation st, Manchester. Oct 14

[*Gazette*, Oct. 17.]

CREDITORS' CLAIMS.

CREDITORS UNDER 22 & 23 VICT. CAP. 35.

LAST DAY OF CLAIM.

Albrecht, Joachim Friedrich Wilhelm, Kings's Heath, Worcester, Gent. Nov 1 Beale and Co, Birmingham

Assinder, Sarah, Shirley, near Birmingham. Nov 11. Jaques, Birmingham

Bates, Robert, Whitburn, Durham, Gent. Oct 21. Forster, Morpeth

Brown, Thomas, Wigan, Lancaster, Manager at the Wigan Spirit Stores. Oct 28. Mayhew, Wigan

Clayton, Charlotte, Tonbridge, Kent. Oct 25. Freshfields and Williams, Bank bldgs

Cooper, William, Winchfield, Hampshire. Nov 11. Chapman, Biggleswade

Dupe, William, Croscombe, Somerset, Baker. Nov 3. Nalder, Shepton Mallett

Gardiner, William, Pott Shrigley, near Macclesfield, Chester, Coal Merchant. Nov 18. Hand, Macclesfield

Gorse, Thomas, Eccles, Lancaster, Parish Clerk. Oct 17. Bollington and Ball, Eccles

Grundy, Edmund Atkinson, Bury, Lancaster, Gent. Oct 30. Grundy, Bury

Hall, Jonathan, Worlaby, Lincoln, Farmer. Nov 1. Sowter, Brigg

Haydon, George, Hemel Hempstead, Hertford, Corn Dealer. Dec 1. Wilde and Co, Iron lane

Herbert, Charles, Garndiffaith, Monmouth, Provision Merchant. Dec 1. Greenway and Bythway, Pontypool

Hill, James, Torquay, Devon, Accountant. Nov 4. Mackenzie and Hext, Torquay

Hill, John, Studley, Warwick, Needle Manufacturer. Oct 31. Bowkett, Alcester

Hunt, Robert Lewis, Edgbaston, Warwick, Job Master. Nov 1. Beale and Co, Birmingham

Jackson, Joseph, sen, Sutton within Macclesfield, Chester, Gent. Nov 18. Hand, Macclesfield

Jones, Ellis, Fore st, Merchant. Nov 15. Saxelby and Faulkner, Ironmonger lane

Jennens, Jane, Edgbaston, Warwick. Nov 1. Beale and Co, Birmingham

Jennens, Joseph William, Edgbaston, Warwick, Military Ornament Manufacturer. Nov 1. Beale and Co, Birmingham

Maddock, Elizabeth, Torquay, Devon. Nov 4. Mackenzie and Hext, Torquay

Meredith, David, Abergavenny, Monmouth. Dec 1. Gabb and Walford, Abergavenny

Parker, Benjamin, Sedgley, Stafford, Gent. Oct 31. Bourne and Co, Dudley

Smiddy, John, Pickering, York, Yeoman. Oct 21. Kitching, Pickering

Smith, Elizabeth, Hobury st, Chelsea. Nov 1. Beale and Co, Birmingham

Thompson, George Armitage, Liverpool, Merchant. Jan 1. Forshaw and Hawkins, Liverpool

Tomlinson, Mary, Walsall, Stafford. Nov 8. Crump, Walsall

Watson, Daniel, Ticehurst, Sussex, Farmer. Oct 31. Buss, Tunbridge Wells

White, Edwin, Gloucester. Oct 21. Bonnor, Gloucester

Wild, William John, Martin's lane, Cannon st. Oct 31. Marchant and Co, George yd, Lombard st

[*Gazette*, Sept. 20.]

Balfour, Francis Maitland, F.R.S., Fellow of Trinity College, Cambridge, Professor of Animal Morphology. Nov 13. Francis and Francis, Cambridge

Bowmaker, James, Newcastle-upon-Tyne, Cabinet Maker. Oct 31. Clayton and Gibson, Newcastle-upon-Tyne

Bryant, Robert, Bath, Gent. Nov 20. Stone and Co, Bath

CAREY, GEORGE, Tunbridge Wells, Kent, Timber Merchant. Nov 10. Stone and Co, Tunbridge Wells
COTTON, ROBERT OAKMAN, Cosheston, Pembroke, Esq. Nov 28. Crosse, Lancaster place, Strand
COTTRELL, CLEMENNY, Penkridge, Stafford, Farmer. Nov 6. Twyman, Stafford
HARTLEY, WILLIAM KAYE, York, Plumber. Nov 15. Wood, York
HUDSON, RUTH, Leeds. Dec 1. Middleton, Leeds
JAMES, JOHN, Abertillery, Monmouth, Grocer. Nov 17. Dauncey, Newport
JONES, JOHN, Rainhill, Lancaster, Gent. Nov 15. Tyrer and Co, Liverpool
JONES, MARGARET, Mold, Flint. Nov 30. Kelly and Keene, Mold
JOUNING, SAMUEL JOHNSON, Buriton, Southampton, Gardener. Dec 1. Albery and Lucas, Midhurst
KIPLING, ALFRED UPWORK, Beechworth, Colony of Victoria, Solicitor. Nov 20. Templin and Co, Fenchurch st
LAZARUS, CAROLINE, Charrington st, Somers Town. Oct 16. Goldring, White Lion st, Norton Folgate
LAZARUS, JOSEPH, Charrington st, Somers Town, Horse Hair Dealer. Oct 16. Goldring, White Lion st, Norton Folgate
LUTTON, JOHN, Broughton, York, Farmer. Oct 18. Heelis and Thompson, Skipton
MARSDEN, JOHN, Wheelton, Lancaster, Cotton Spinner. Nov 1. Ascroft, Preston
MILLWARD, ALBERT EDWARD, Stourbridge, Worcester, Wine Merchant. Nov 25. Pointon, Birmingham
MUNRO, GORE BOLAND, Weston-super-Mare, Somerset, Major-General Royal Engineers. Oct 23. Davies, Weston-super-Mare
MURRAY, ROBERT, Manchester, Gent. Nov 11. Sutton and Elliott, Manchester
PROCTOR, HENRY, Broughton, near Preston, Lancaster, Yeoman. Nov 1. Ascroft, Preston
RENDELL, WILLIAM ADAMS PERKINS, Brindley st, Harrow rd. Oct 28. Furber, Gray's inn sq
RODEN, WILLIAM SARGEANT, Union Club, Trafalgar sq, Esq. Nov 11. Field and Co, Lincoln's inn fields
SPARROW, WILLIAM MANDER, Albrighton Hall, nr Shrewsbury, Salop, Esq. Nov 30. Dent, Wolverhampton
STORY, CATHERINE ELIZA, Weston super Mare, Somerset. Oct 23. Davies, Weston
SWIRE, ANN, Weasenham, nr Roughaun, Norfolk. Nov 16. Langhorne, Wakefield
WOLLONS, THOMAS WARING, Tottenham Court rd, Surgical Instrument Maker. Oct 29. Ivimey, Staple inn

[*Gazette*, Oct. 3.]

BROOKE, GEORGE, Stratford, Essex, Butcher. Nov 8. Willoughby and Winch, Lancaster place, Strand
CODLING, HESTER, Bessborough st, Pimlico. Nov 4. Battye, Chancery lane
COLE, ROBERT, Brooke, Norfolk, Yeoman. Nov 30. Miller and Co, Norwich
DREW, Rev WILLIAM HENRY, Maida Hill West, Professor of Mathematics. Nov 9. Pontifex, St Andrew's-street, Holborn circus
GILL, MARY, Weston super Mare, Somerset. Nov 10. Davies, Weston super Mare
GOODALE, MARY, Hastings, Sussex. Nov 11. Woodroffe, Lincoln's inn fields
GREEN, ELIZA, Sheffield. Nov 1. Smith, Sheffield
HARRISON, ROBERT, Alderford, Norfolk, Farmer. Nov 4. Keith and Co, Norwich
HAWORTH, JOSEPH, Sandal Magna, York, Gent. Nov 3. Fernandes, Wakefield
HOOD, JOHN KEMP JACOMB, Tunbridge Wells, Sussex, Esq. Dec 1. Langley, Newton Abbot
JOUNING, SAMUEL JOHNSON, Buriton, Southampton, Gardener. Dec 1. Albery and Lucas, Midhurst
KIRK, JOSEPH, Blossom st, Norton Folgate, Gent. Nov 13. Wittey, Colchester
MAUGHAN, NICHOLAS, Little Distaff lane, Distiller. Nov 18. Layton and Co, Budge row
MOCATTA, EVELINA, Kildare terrace, Westbourne Park. March 1. Lousada and Emanuel, Austin Friars
NICHOLAS, JOHN, East Looe, Cornwall, Gent. Jan 6. Wilson, Plymouth
PRICE, CHARLES GODFREY, Bury St Edmunds, Suffolk, Gent. Nov 1. Mason, Gresham street
SHEPHERD, EDWARD, Wokingham, Berks, Esq. Nov 28. Head, Reigate
SHERSTON, JOHN ADAMS, St Martin's st, Leicester sq, Livery Stable Keeper. Dec 4. Nickinson and Co, Chancery lane
SMITH, JOHN, Holbeach, Lincoln, Farmer. Nov 30. Caparn and Co, Holbeach

[*Gazette*, Oct. 6.]

COURT PAPERS.

SUPREME COURT OF JUDICATURE.

ROTA OF REGISTRARS IN ATTENDANCE ON

Date.	COURT OF APPEAL.	V. C. BACON.	V. C. HALL.
Wednesday, Oct. 25	Mr. Jackson	Mr. King	Mr. Koe
Thursday 26	Carrington	Farrer	Cobby
Friday 27	Jackson	King	Koe
Saturday..... 28	Carrington	Farrer	Cobby
	Mr. Justice FRY.	Mr. Justice KAY.	Mr. Justice CHITTY.
Wednesday, Oct. 25	Mr. Clowes	Mr. Ward	Mr. Merivale
Thursday 26	Pemberton	Teesdale	Latham
Friday 27	Clowes	Ward	Merivale
Saturday..... 28	Pemberton	Teesdale	Latham

We regret to learn that Mr. John Christopher Pawle, solicitor, of New-inn, Strand, was found dead in bed on Tuesday morning, the 17th inst., at the residence of a relative—Mr. A. Conway Newman, surgeon—with whom he was staying for a time, in the village of Harwell, near Abingdon, Berks. Death was attributed to failure of the heart's action and apoplexy. An inquest was held on Wednesday.

Mr. F. K. Munton writes to the *Times* to suggest that "the present moment seems opportune to ask through the *Times* whether some arrangements cannot be made whereby the public (or, at all events, the hundreds of solicitors located east of Blackfriars) may be admitted to the Probate and Legacy offices at Somerset House from the Embankment side. The Strand is sufficiently congested already, and when the New Law Courts open, doubling or trebling the traffic, the main entrance to Somerset House will be nearly choked. But, irrespective of this, there seems to be no sound reason why a person should not be able to approach so important a public building in a cab along the Embankment, instead of dragging the horse up a steep hill to the Strand and then down again to the departments, many of which abut on the Embankment road itself—a good quarter of a mile wasted."

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

BOOME.—Oct. 3, at Headingley, Palmerston-road, Palmer's-green, the wife of J. H. Boome, barrister-at-law, of a daughter.
BROOKE.—Oct. 7, at 13, Kirkstall-road, Telford-park, Streatham-hill, the wife of J. R. Brooke, barrister-at-law, of a daughter.
FERNS.—Oct. 11, at Stockport, Cheshire, the wife of Alfred E. Ferns, solicitor, of a daughter.
FLOWERS.—Oct. 5, at 8, Salisbury-road, West Brighton, the wife of G. A. Flowers, solicitor, of a son.
FRYER.—Sept. 30, at Hall Place, Bexley, Kent, the wife of G. E. S. Fryer, barrister-at-law, of a son.
NICOLL.—Oct. 7, at 13, Scaredale-terrace, Kensington, W., the wife of A. C. Nicoll, barrister-at-law, of a daughter.

MARRIAGES.

BINNS—LIEBERT.—Oct. 11, at Sheffield, Edmund Knowles Binns, solicitor, to Ada Caroline, daughter of the late Alexander Liebert, of Swinton Hall, Swinton Lancashire.
COLMAN—LANG.—Oct. 5, at St. Andrew's, Wells-street, Gerald Charles Colman, of Staple-inn, solicitor, to Ada Caroline, daughter of the late Dr. H. Lang, of 5, Berners-street, W.
FISHER—BEAUCHAMP.—Oct. 5, at St. Michael's Church, Highgate, Robert Fisher, barrister, Lincoln's-inn, to Alice Anne, daughter of the late Rev. W. H. Beauchamp, Rector of Chedgrave, Norfolk.

DEATHS.

BATHURST.—Oct. 1, at his residence, Preston-street, Faversham, Henry Bathurst, solicitor, aged 69.
DANIELL.—Oct. 4, at Page-green, Tottenham, Edmund James Daniell, solicitor, aged 63.
FAIRFAX.—Oct. 5, at Greycrook, St. Boswell's, N.B., Thomas Edward Fairfax, barrister-at-law.
GOODMAN.—Oct. 6, at The Lake Villa, Freemantle, Southampton, John Reynolds Goodman, barrister-at-law, aged 72.
HUBBERSTY.—Oct. 11, at Wirksworth, Derbyshire, Philip Hubbersty, solicitor, aged 77.

At the Stock and Share Auction Company's sale, on the 19th inst., at their sale room, Crown-court, Old Broad-street, the following were among the prices obtained:—Era Industrial £1 shares, 10s. paid, 10s.; West Devon Great Consols, 18s. 6d.; The "Chalet" Co., £7 to £7 2s. 6d.; Great Wheal Worthy Tin Mining, 5s.; Halcombe & Co., £5 [shares, £4 paid, 9s.; and other miscellaneous securities fetched fair prices.

LONDON GAZETTES.

Bankrupts.

FRIDAY, Oct. 13, 1882.

Under the Bankruptcy Act, 1869.

Creditors must forward their proof of debts to the Registrar.

To Surrender in London.

Bernstein, Abraham, Upper st, Islington, Club Proprietor. Pet Oct 7. Hazlitt. Oct 24 at 12.30
Day, Frederick Hugh Irwin, Jermyn st, St James's. Pet Oct 9. Hazlitt. Oct 24 at 11
Dell, George, Beaufort st, Fulham, Brewers' Traveller. Pet Oct 10. Hazlitt. Oct 24 at 12.30
De Meric, Henry E , Leicester place, Leicester sq, Doctor of Medicine. Pet Oct 10. Hazlitt. Oct 24 at 12
May, Charles, and Richard Mansell, Buckingham st, Strand, Theatrical Managers. Pet Sept 21. Hazlitt. Oct 25 at 11

To Surrender in the Country.

Clarke, John, Liverpool, Grocer. Pet Oct 12. Bellringer. Liverpool, Oct 24 at 12
Crossley, William Thwest, William Hibbert, and Frederick William Dawson, Manchester, Bleachers. Pet Oct 9. Lister. Manchester, Nov 6 at 12
Dobson, Christopher. Leeds, Sawyer. Pet Oct 9. Marshall. Leeds, Oct 26 at 11
Grove, George, Bideford, Devon, Dairyman. Pet Oct 7. Bosson. Barnstaple, Oct 23 at 12
Norman, Arthur, Norwich, Grocer. Pet Oct 10. Cooke. Norwich, Oct 23 at 12
Parr, John William, Hulme, Manchester, Estate Agent. Pet Oct 11. Hulton. Salford, Oct 25 at 2
Swaine, William, Stevenage, Hertford, Farmer. Pet Oct 6. Cooke. Luton, Oct 27 at 11.15

TUESDAY, Oct. 17, 1882.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Bohr, John Von, Commercial rd, Baker. Pet Oct 14. Hazlitt. Nov 1 at 11

To Surrender in the Country.

Bowden, Joseph, Macclesfield, Innkeeper. Pet Oct 13. Yates. Macclesfield, Oct 26 at 10.30
Guest, Henry, Sheffield, Button Manufacturer. Pet Oct 12. Wake. Sheffield, Nov at 1
Hobbs, Amos, Mayfield, Sussex, Baker. Pet Oct 12. Stone. Tunbridge Wells, Oct 30 at 2.30
Reynolds, George Kossuth Mazzini, Andover, Hants, Auctioneer. Pet Oct 14. Wilson. Salisbury, Oct 28 at 1.30
Shaw, William Henry, Fenay Bridge, near Huddersfield, Manufacturing Chemist. Pet Aug 23. Jones. Huddersfield, Oct 30 at 11
Webb, William, Biddenden, Kent, Farmer. Pet Oct 13. Young. Hastings, Nov 2 at 11
Willacy, James Rose, St Helen's, Lancaster, Commission Merchant. Pet Oct 12. Bellringer. Liverpool, Oct 30 at 12

BANKRUPTCIES ANNULLED.

FRIDAY, Oct. 13, 1882.

Marden, Algernon Moses, King st, St James's, Picture Dealer. Oct 12
Priest, Douglas Stewart, Goldhawk rd, Shepherd's Bush, Auctioneer. Oct 11

TUESDAY, Oct. 17, 1882.

Howell, Gordon Arthur, Princes st, Hanover sq, Gent. Sept 28
Reeves, Samuel William, Brighton, Cattle Salesman. Oct 6
Rowe, Josiah, Sithney, Cornwall, Corn Dealer. Oct 11
Smith, William, and William Phillips, Redruth, Cornwall, Boot Manufacturers. Oct 4

Liquidations by Arrangement.

FIRST MEETINGS OF CREDITORS.

FRIDAY, Oct. 13, 1882.

Akestoridi, Alexander, Manchester, Merchant. Nov 2 at 3 at the "A" Committee Room, Old Town hall, King st, Manchester. Sale and Co, Manchester

Allison, David, Burton Agnes, York, Farmer. Oct 25 at 3 at offices of Turnbull and Co, St Thomas st, Scarborough

Ballard, Walter Elijah, South Normanton, Derby, Fish Salesman. Oct 27 at 12 at offices of Brittle, St Peter's chambers, St Peter's gate, Nottingham

Bicheno, Samuel, Over, Cambridge, Farmer. Oct 30 at 12 at offices of Papworth, Crown yd, St Ives. Papworth and French, Cambridge

Bird, John, Aston-juxta-Birmingham, Grocer. Oct 26 at 3 at offices of Buller and Co, Bennett's hill, Birmingham

Bolton, Jane, Skipton, York, Grocer. Nov 1 at 3 at the Black Horse Hotel, Skipton. Brown

Bond, John Thomas, Ilminster, Somerset, Butcher. Nov 1 at 11 at offices of Paull, Court Barton, Ilminster, Somerset

Bonner, Matthew, Gt Wigborough, Essex, Farmer. Oct 28 at 12 at offices of Turner and Co, East hill, Colchester. Elwes

Brason, William, Newcastle-upon-Tyne, Tobacconist. Oct 23 at 2 at offices of Sewell, Grey st, Newcastle-upon-Tyne

Brooks, Reuben, Tottenham ct rd, Upholsterer. Nov 7 at 2 at offices of Browne and Co, Queen st, Cheapside. Poole, Bartholomew close

Brown, Henry Robert, Isleham, Cambridge, Butcher. Oct 24 at 3 at the White Hart Hotel, Soham. Bendall, Soham

Burgess, Thomas, Alsager, Chester, Gardener. Nov 3 at 2 at offices of Sword, Cheapside, Hanley

Burridge, Charles, Maidstone, Kent, Town Carter. Oct 26 at 12 at offices of Norton, Earl st, Maidstone

Carter, John, Halifax, York, Woollen Manufacturer. Oct 24 at 11 at offices of Longbottom, Carlton st, Halifax

Chilton, Frederick, York rd, Battersea, Baker. Oct 30 at 3 at offices of Mitchell, Thanet place, Strand. Sheppard, St John's Hill, Clapham Junction

Clark, George, Duke st, Manchester sq, Poulterer. Oct 21 at 11 at the Law Institution, Chancery lane. Stollard, South Molton st, Oxford st

Coates, Alfred John, City rd, Dairyman. Nov 2 at 2 at offices of Joseph, Finsbury pavement

Cole, William, Dudley, Worcester, Licensed Victualler. Oct 25 at 11 at offices of Ward, Wolverhampton st, Dudley

Cottle, George, St George, Gloucester, Builder. Oct 25 at 11 at offices of Atchley, Clare st, Bristol

Cotterell, Samuel, Bradley Green, near Congleton, Stafford, Builder. Oct 25 at 11 at the Angel Hotel, Macclesfield. Sheldon, Congleton

Davies, James, and Isaac Taylor, Liverpool, Fruit Merchants. Oct 25 at 2 at offices of Jones and Co, Church st, Liverpool. Faithwaite

Fearnsides, Jane, Batley Carr, York, Rag Merchant. Oct 24 at 10.30 at Scarborough Hotel, Dewsbury. Ridgway and Ridgway, Dewsbury

Gawne, John Thomas, Liverpool, Stationer. Oct 26 at 3 at office of Quelch, Hatton gdn, Liverpool

George, James, Bristol, of no occupation. Oct 26 at 11 at office of Pitt, Nicholas st, Bristol

Giles, Thomas, Chester, Hotel Keeper. Oct 24 at 11 at office of Brassey, Eastgate row North, Chester

Gledhill, Edwin, Lockwood, nr Huddersfield, out of business. Oct 27 at 3 at office of Ainley, New st, Huddersfield

Golding, Joseph, West Green rd, Tottenham, Tailor. Oct 30 at 2 at Masons' Hall Tavern, Basinghall st

Gray, Richard, St Stephen's rd, Bayswater, Lodging-house Keeper. Oct 21 at 11 at office of Charlton and Co, Queen Victoria st. Bassett, Fenwick rd, East Dulwich

Hale, John, Sevenoaks, Coal Merchant. Oct 30 at 3.30 at office of Holcroft and Machell, Sevenoaks

Haley, Jonathan, Hoyland Nether, York, Boot Maker. Oct 28 at 11 at office of Parker and Hickmott, Regent st, Barnsley

Hallaways, John, York, Hay Dealer. Oct 26 at 3 at office of Waddington, Stonegate, York

Harris, Brice, Liverpool, Grocer. Oct 27 at 4 at office of Lowe, Mount Pleasant, Liverpool

Hartley, Henry, Crewe, Chester, Coal Dealer. Oct 26 at 11 at offices of Warburton, Nantwich rd, Crewe

Hill, Herbert, Sopley, Hants, Innkeeper. Oct 25 at 3 at White Hart Hotel, Ringwood. Trevanion, Poole

Hockenhull, William, Warrington, Lancaster, Fustian Cutter. Nov 1 at 3 at offices of Moore and Son, Upper Bank st, Warrington

Holdcroft, George, Oxford st, Islington, Chemist. Oct 20 at 3 at offices of Whitmarsh, Finsbury sq bldgs, Chiswell st

Hurcum, George, Bristol, Licensed Victualler. Oct 28 at 12 at offices of Essery, Nicholas st, Bristol

Hutchinson, Matthew, South Church, nr Bishop Auckland, Durham, Labourer. Oct 31 at 11 at offices of Trotter and Co, North Bondgate, Bishop Auckland

Jeanes, Joseph Francis, Bournemouth, Builder. Oct 27 at 3 at the London Hotel, Poole. Preston

Jensen, Jens, North Shields, Yeast Manufacturer. Oct 24 at 2.30 at offices of Chartres and Co, Grainger st West, Newcastle upon Tyne

Jessop, Ann, Mirfield, York, Grocer. Nov 1 at 3 at offices of Wilson, Exchange bldgs, Mirfield

Jones, George Israel, West st, Green st, Bethnal Green, Licensed Victualler. Nov 1 at 3 at offices of Moss, Gracechurch st

Jones, John, and Richard Older, Nottingham, Plasterers. Oct 27 at 3 at offices of Buckly, Gresham chmbrs, Beastmarket hill, Nottingham

Jones, Walter Meredith, Tredegar, Monmouth, Grocer. Oct 30 at 10 at office of Price, Blenheim pl, Abergavenny

Lait, William Frederick, New Cross, Kent, Outfitters' Manager. Nov 1 at 1 at office of Moss, Gracechurch st

Leake, Henry, Great Newport st, Long Acre, Leather Gun Case Maker. Nov 3 at 3 at office of Groom, Wormwood st. Davies, Moorgate st

Lee, Josiah. Todmorden, Lancaster, Grocer. Oct 30 at 11 at office of Craven, Strand, Todmorden

Ley, John Henry, Croydon, Surrey, Nurseryman. Nov 1 at 3 at offices of Cannon, Wool Exchange, Coleman st

Lewis, Edward, Liverpool, Optician. Oct 24 at 2 at Commerce ct, Lord st, Liverpool. Harris and Gorst, Liverpool

Iliff, George, Lowrence lane, Cheapside, Cigar Merchant. Oct 30 at 2 at office of Presswell, Old Jewry

Lloyd, John, Walton, Lancashire, Ironmonger. Oct 26 at 2 at office of Jones and Co, Church st, Liverpool. Faithwaite, Liverpool

Loader, Nathaniel, Sheldon st, Bishop's rd, Paddington, Fishmonger. Oct 31 at 10.30 at office of Browne, Lower James st, Golden sq. Tilsley, St Benet place, Gracechurch st

Lowe, Jacob, Longton, Stafford, Stonemason. Oct 23 at 11 at office of Salt, Commerce st, Longton

Macdonald, Donald Stuart, Gloucester ter, South Kensington, Surgeon. Oct 31 at 3 at office of Seale and Smith, Lincoln's inn fields

Martin, Charles Archer, Brunswick st, Blackfriars rd, Beer Retailer. Nov 9 at 3 at the Mullen's Hotel, Ironmonger lane. Hare, Pinner's ct, Old Broad st

Mason, William, York, Joiner. Oct 25 at 11 at offices of Anderson and Lythe, Stonegate, York

Milligan, Thomas, jun, Wigan, Lancaster, Ironmonger. Oct 26 at 3 at office of Peace and Co, Leader's bldgs, Wigan

Mitchell, John William, Upton, Essex, Engineer. Oct 23 at 2 at office of King and Peto, Abchurch lane

Mizen, George, Blackstock rd, Finsbury pk, Oilman. Oct 30 at 2 at Guildhall Tavern, Gresham st. Carter and Bell, Eastcheap

Negus, Henry, Mitcham Common, Surrey, Farmer. Nov 1 at 3 at office of Wood and Wootton, Fish st hill

Osmond, Thomas Reuben, Bathampton, Somerset. Oct 31 at 12.30 at Castle Hotel, Bath. Clark and Collins, Trowbridge

Parr, Edward, Stalmine, Lancaster, Tailor. Oct 27 at 11 at office of Addie, Church st, Fleetwood

Pearce, John, St Helens, Lancaster, Tea Merchant. Oct 27 at 2 at office of Massey and Co, North John st, Liverpool

Poore, William Joseph, Jamaica rd, Bermondsey, Tailor. Oct 23 at 3 at Mason's Hall Tavern, Mason's avenue, Basinghall st. Feuillade, Portugal st, Lincoln's inn

Pring, George James, Lee, Kent, Cowkeeper. Oct 26 at 3 at Dover Castle Inn, Broadway, Deptford. Lockyer, Deptford

Pugh, Thomas, Aberayron, Cardigan, Solicitor. Oct 24 at 12 at 3, Bridge st, Aberayron. Hughes, Aberystwith

Rees, William, Dinas, Glamorgan, Grocer. Oct 26 at 11.30 at office of Price, Bank chbrs, Pontypridd

Roberts, Roland Hugh, and John Williams, Liverpool, Timber Merchants. Nov 3 at 12 at office of Gibson and Bolland, South John st, Liverpool. Stephenson, Liverpool

Roughton, John, Corby, Northampton, Farmer. Nov 3 at 11 at Royal Hotel, Kettering, Richardson, Oundle

Salmon, William, Crewe, Chester, Builder. Oct 28 at 11 at office of Cooke, Temple chbrs, Oak st, Crewe

Saunders, James Phippin, Leeds, Licensed Victualler. Oct 26 at 3 at office of Ford and Warren, Albion st, Leeds

Seymour, John, Ash grove, Mare st, Hackney, Upholsterers' Trimming Manufacturer. Oct 26 at 2 at office of Wood, Paternoster row

Shambrook, Matthew, High rd, Tottenham, Oilman. Nov 1 at 3 at office of Dear, Gresham st

Shove, Francis Cobbett, Greenwich, Kent, Corn Merchant. Oct 24 at 3 at office of Andrews and Mason, Ironmonger lane, Cheapside. Bristow, Greenwich

Slark, William Edward, Blackheath, Kent, Butcher. Oct 23 at 3 at office of Aird, Eastcheap

Smelthurst, George, Bristol, Beer Retailer. Oct 21 at 12 at office of Essery, Nicholas st, Bristol

Stephenson, Henry, Sheffield, Provision Dealer. Oct 31 at 3 at 125, South st, Sheffield. Moor

Stuart, William, Chester, Surveyor. Oct 27 at 4 at office of Churton, Eastgate bldgs, Chester

Tatnall, William, Uckfield, Sussex, Hoop Maker. Oct 26 at 12 at Bell Inn, Uckfield. Palmer, Tonbridge

Thompson, William Walter, Glemsford, Suffolk, Tailor. Oct 26 at 2 at office of Andrews and Co, Friar st, Sudbury

Timperley, Ezra, Sale, Chester, Farmer. Oct 30 at 3 at office of Bowden, King street, Manchester

Uppington, Thomas, Dunster, Somerset, Saddler. Oct 23 at 11 at office of Crawshaw, East st, Taunton

Walker, Thomas, Liversedge, York, Grocer. Oct 23 at 4 at office of Mitcheson, Union st, Heckmondwike

Walmesley, Vivian Oswald, and Ebenezer Lewis, Park st, Islington, Fine Art Publishers. Oct 31 at 1 at Inns of Court Hotel. Smith and Eldridge, Gt James st, Bedford row

Watson, William, Bourn, Cambridge, Farmer. Oct 27 at 12 at Red Lion Hotel, Petty Cury, Cambridge. Conquest and Clare, Bedford

Welch, George, Seaton, Devon, Boot and Shoe Dealer. Oct 30 at 12 at Bude Hotel, Exeter. Davie, Wellington

Wild, Edwin, Macclesfield, Chester, Licensed Victualler. Oct 27 at 3 at offices of Ritson and Grundy, Princess st, Manchester

Wilkinson, Isaac, Leeds, Grocer. Oct 26 at 11 at offices of Maud, Albion st, Leeds

Williams, Arthur John, Aberdare, Grocer. Oct 26 at 12 at offices of Linton and Kenshole, High st, Cardiff

Williams, John, Birmingham, Tailor. Oct 30 at 12 at offices of Jelf, Waterloo st, Birmingham

Wilson, George, Liverpool, Commission Agent. Oct 30 at 12 at offices of Carruthers, Lord st, Liverpool

Wolstenholme, James, Morecambe, Lancaster, Bazaar Keeper. Oct 24 at 2 at offices of Johnson and Tilly, Sun st, Lancaster

Wood, Thomas, Avondale rd, Peckham, Carpenter. Oct 31 at 2 at the Inns of Court Hotel, High Holborn. Plater, Southampton buildings, Chancery lane

TUESDAY, Oct. 17, 1882.

Arnold, Jacob, Old Kent rd, Fishmonger. Nov 6 at 2 at office of Perry, Guildhall chbrs, Basinghall st

Ayers, John William, Towcester, Northampton, Farmer. Oct 26 at 3 at Talbot Hotel, Towcester. Whitton, Towcester

Badcock, Thomas, Tachbrook st, Pimlico, Builder. Nov 6 at 2 at office of Edmonds and Co, Cheapside. Scott, Coleman st

Barnett, John, York, Stonemason. Oct 31 at 1 at office of Wilkinson, St Helen's sq, York

Beeton, Frank Albert, Long Acre, Licensed Victualler. Oct 30 at 1 at Guildhall Coffee house, Gresham st. Hogan and Hughes, Martin's lane, Cannon st

Bennett, Henry, South Warnborough, Hants, Farmer. Nov 6 at 3 at office of Downie, High st, Alton

Blain, James, Newport, Mon, Draper. Nov 4 at 12 at office of Gibbs and Co, Bridge st, Newport

Blake, Thomas Henry, Bicester, Oxford, Corn Dealer. Nov 1 at 3 at Crown Hotel, Bicester. Lindsey, Bicester

Blaydon, George, Bradford, Vegetable Salesman. Oct 25 at 11 at office of Rhodes, Parkinson's chbrs, Market st, Bradford

Blundell, Joseph, Leeds, Rent Collector. Oct 28 at 11 at office of Blacklock, Albion st, Leeds

Bottomley, Thomas, and John Bottomley, Crosshills, York, Plumbers. Nov 8 at 2 at Midland Hotel, Skipton. Wright, Skipton

Braddock, John, New Mills, nr Stockport, Chester, Candlewick Spinner. Nov 6 at 3 at office of Storer and Lloyd, Fountain st, Manchester

Bray, Thomas, Bristol, Painter. Oct 28 at 1 at Weare st, Bedminster, Bristol. McCarthy, Frome

Bullock, William Henry, Aldersgate st, Book Keeper. Oct 31 at 12 at office of Spencely, South John st, Liverpool

Cann, John, Aldaby, Norfolk, Farmer. Oct 30 at 3 at office of Tillett and Co, St Andrew's st, Norwich

Cayford, Daniel, Chippenham mews, Harrow rd, Wheelwright, Nov 2 at 3 at office of Cooper and Co, Lincoln's inn fields

Charlesworth, John, Heckmondwike, York, out of business. Nov 1 at 4 at office of Wooler and Wooler, Exchange bldgs, Batley

Church, George William, South Shoebury, Essex, Butcher. Oct 28 at 2 at London Hotel, Southend. Wood, Rochford

Clark, Lyonel Edward, Barrow in Furness, Lancaster, Engineer. Oct 31 at 11 at Imperial Hotel, Barrow in Furness. Nalder and Jones, Barrow in Furness

Clarke, John, Norwich, Shoe Manufacturer. Oct 27 at 12 at office of Brock, Briggs st, Norwich

Clarke, Thomas. Ipsley, Warwick, Needle Manufacturer. Oct 30 at 11.30 at office of Byrch and Cox, William st, Redditch

Clayden, John, Wimbish, Essex, Farmer. Oct 30 at 1 at offices of Freeland and Bellingham, Saffron Walden

Clayton, Richard Henry, Liverpool, Public house Manager. Oct 30 at 3 at office of Quilliam and Carruthers, Elliot st, Liverpool

Clements, John, Nottingham, Licensed Victualler. Oct 27 at 3 at offices of Burton and Co, Long row, Nottingham
Cloke, Thomas, Hastings, Grocer. Oct 25 at 12 at offices of Davenport and Co, Bank bldgs, Hastings
Coleby, Samuel James, and John Durrell, Norwich, Carriers. Oct 25 at 3 at offices of Culley and Gould, Queen st, Norwich. Clabburn, Norwich
Collier, Samuel, Worcester, Haulier. Oct 30 at 11 at office of Williams, Worcester chmbrs, Worcester
Collins, Albert, St Leonard's on Sea, Sussex, Builder. Oct 31 at 3 at office of Neve, London rd, St Leonard's on Sea
Collis, Samuel, Cheadle, Stafford, Chemist. Oct 30 at 2 at Wheatsheaf Hotel, Cheadle. Thacker and Cull, Stoke on Trent
Connard, Ellis Collinge, Oldham, Lancaster, Painter. Nov 2 at 3 at office of Davies, Clegg st, Oldham
Craft, Thomas, Stotfold, Bedford, Baker. Oct 31 at 4 at office of Times, Portmill lane, Hitchin
Crofton, Charles, Gobowen, Salop, Colliery Agent. Oct 30 at 2 at Public Hall, Oswestry. Ellis, Oswestry
Crossley, William, Wetherby, York, Furniture Broker. Oct 27 at 3 at Three Legs Inn, Wetherby. Coates, Wetherby
Davison, John Henry, East Retford, Nottingham, Butcher. Nov 3 at 11 at offices of Bescoby, Grove st, East Retford
Dodgshun, John William, Morley, nr Leeds, Cloth Manufacturer. Oct 30 at 3 at Law Institution, Leeds. Snowdon and Meredith, Leeds
Edmonds, Edward, Birmingham, Pocket Book Manufacturer. Oct 26 at 3 at office of Duke, Temple row, Birmingham
Ellis, William, and Edward Thomas Ellis, High st, Uxbridge, Fishmongers. Nov 2 at 2 at office of Ladbury, Queen st, Cheapside
Fraser, Alexander, Exeter, Seedman. Oct 23 at 11 at Craven Hotel, Craven st, Strand. Fryer' Exeter
Gandee, Benjamin Frederick, New Bridge st, Drawing Master. Nov 10 at 3 at Mullen's Hotel, Ironmonger lane. Hare, Pinner's ct, Old Broad st
Ganaden, Charles Jones, Battle, Sussex, Butcher. Oct 25 at 12 at George Hotel, Battle. Sheppard, Battle
Gidwell, James, Willenhall, Stafford, Beerhouse Keeper. Oct 27 at 11 at office of Shakespeare, Church st, Oldbury
Goodspeed, Frederick, St John st, Clerkenwell, Builder. Nov 6 at 3 at office of Vernede, New Broad st
Gould, Richard, Liverpool, Laundryman. Oct 30 at 11 at office of Collins, Harrington st, Liverpool
Greenlees, William, Salford, Lancaster, Baker. Nov 2 at 3 at office of Astbury and Eckersley, Cross st, Manchester
Ham, Sydman, Frenchay, Gloucester, Miller. Oct 25 at 11 at office of Nurse, Corn st, Bristol
Harding, Samuel Salter, Willis rd, Kentish Town, Licensed Victualler. Nov 3 at 11 at office of Cherry, Gt James st, Bedford row
Hilditch, Ralph, Tunstall, Stafford, Joiner. Oct 31 at 11 at office of Cooper, John st, Tunstall
Holden, Thomas, Barrow in Furness, Grocer. Oct 24 at 11 at Trevolyan Temperance Hotel, Dalkeith st, Barrow in Furness. Hudson, Barrow in Furness
Hood, William, Liverpool, Draper. Nov 1 at 3 at office of Quinn, South John st, Liverpool
Horner, Godfrey Spencer, Starch Green rd, Shepherd's Bush, Grocer. Oct 31 at 12 at office of Wickens, Palmerston bldgs, Old Broad st
Houghton, Philip, Landport, Hants, Wheelwright. Oct 31 at 3 at office of Casey, St George's sq, Portsea. Bramsdon, Portsea
Howden, Henry, Bristol, Tailor. Oct 27 at 2 at office of Benson and Carpenter, Bank chbrs, Corn st, Bristol
Hunter, George, Burton on Trent, Builder. Oct 31 at 11 at Midland Hotel, Station st, Burton on Trent. Bright, Burton on Trent
Jeffrey, George, Cable st, St George's in the East, Baker. Oct 30 at 3 at office of Cooper and Co, Lincoln's inn fields
Jenkins, Thomas, Trealaw, Rhondda Valley, Glamorgan, Tailor. Oct 31 at 10 at office of Rosser, Church st, Pontypridd
Johnson, Thomas, Littleover, Derby, Farmer. Oct 31 at 3 at office of Briggs, Amen alley, Derby
Jones, Edwin, Chorlton on Medlock, Manchester, Solicitor's Clerk. Oct 27 at 3 at office of Grundy and Co, Booth st, Manchester
Jones, Thomas, Dymock, Gloucester, Blacksmith. Nov 3 at 3 at office of Price, High st, Newent
Jordan, Hannah, Sunderland, Durham, Feather Merchant. Oct 30 at 3.30 at office of Huntly, Fawcett st, Sunderland
Kelly, John Thomas, Liverpool, Grocer. Oct 30 at 2 at office of Quilliam, Whitechapel, Liverpool. Riley, St Helens
King, William Moore, Ambleside, Westmoreland, Surgeon. Nov 2 at 1.30 at office of Gatey, Ambleside
abone, Annie Mary, Anfield, Liverpool, out of business. Oct 30 at 3 at office of Quelch, Hatton gdn, Liverpool
Laverick, William, Sunderland, Cab Proprietor. Oct 28 at 12.30 at Rose and Crown Hotel, High st West, Sunderland. Ward, Middlesborough
Lee, Joseph, and John Lee, Rotherhithe, Surrey, Mineral Water Manufacturers. Oct 24 at 2 at office of Philp, Basinghall st
Linstead, John, Barrow in Furness, Lancaster, Corn Dealer. Oct 27 at 11 at Trevelyan Temperance Hotel, Dalkeith st, Barrow in Furness. Hudson, Barrow in Furness
Lockett, William, Manchester, Packing Case Manufacturer. Nov 1 at 3 at office of Almond, Dickinson st, Manchester
Lord, James, Bacup, Lancaster, Fishmonger. Oct 31 at 2 at Crosby Hotel, Withy grove, Manchester. Wright, Bacup
May, Daniel Robert, Thanet, Kent, Fly Driver. Oct 31 at 11 at office of Parry, Harbour st, Ramsgate
MacPherson, James Albert, Gloucester, Schoolmaster. Nov 8 at 3 at office of Green, Westgate chmbrs, Gloucester
McKay, John Frederick, Cardiff, Glamorgan, Tailor. Oct 31 at 12 at Royal Talbot Hotel, Victoria st, Bristol. Jones, Cardiff
Monks, William Allen, Long Bennington, Lincoln, Farmer. Oct 31 at 3 at offices of Pratt and Hodgkinson, Newark upon Trent
Moorcroft, James, Wolverhampton, Builder. Nov 3 at 12 at offices of Flewker and Page, Wolverhampton
Moore, Robinson, Southport, Lancaster, Fancy Goods Dealer. Nov 3 at 12 at offices of Buck and Co, Tulketh st, Southport
Muddiman, Joseph Essex, Birmingham, Journeyman Baker. Oct 30 at 3 at offices of Jaques, Temple row, Birmingham
Owens, John, Anfield, nr Liverpool, Joiner. Oct 31 at 2 at office of Geo, North John st, Liverpool
Pence, George Henry, Clayton West, York, Woollen Manufacturer. Nov 3 at 3 at office of Learoyd and Co, Buxton rd, Huddersfield
Peattie, John, Carlisle, Brewer. Oct 30 at 3 at office of Wannop, Scotch st, Carlisle
Powell, John, Melcombe Regis, Lodging house keeper. Nov 6 at 12 at office of Street, Upper Bond st, Melcombe Regis
Rawson, Ann, Birmingham, Fruiterer. Oct 30 at 12 at office of Hawkes and Weekes, Temple st, Birmingham
Reed, John, Stockton on Tees, Plumber. Oct 26 at 11 at at office of Best, High st, Stockton on Tees
Roberts, Hannah, and John Roberts, Sheffield, File Manufacturers. Oct 30 at 3 at office of Clegg, Victoria chbrs, Figtree lane, Sheffield
Rose, William John Preston, Earl's Court rd, Wine Merchant. Nov 6 at 12 at St Michael's Hall, George yd, Lombard st. Dollman and Pritchard, Cornhill
Rowland, John, Stockton on Tees, Innkeeper. Oct 30 at 2.30 at office of Thomas, Market Cross chbrs, Stockton on Tees
Rushworth, Joshua, Shipley, York, Plumber. Oct 30 at 11 at Queen's Hotel, Wellington st, Leeds. Morgan and Morgan, Shipley
Smith, Francis, Guiseley, York, Cloth Weaver. Oct 29 at 11 at office of Lodge and Rhodes, Park row, Leeds
Snead, Isaac, Wednesbury, Stafford, Tea Dealer. Oct 30 at 3 at office of Hawkes and Weekes, Temple st, Birmingham
Sneesum, George William, Rupert st, Coventry st, St James's, Builder. Oct 30 at 10 at office of Lambert, Chancery lane
Stannard, Robert, Wakefield, York, Milliner. Oct 30 at 11 at office of Lake and Lake, Southgate, Wakefield
Stevens, Egerton, Aylesbury, Buckingham, Butcher. Nov 1 at 3 at office of Fell, Aylesbury
Taylor, Edward, Oundle, Northampton, Saddler. Nov 9 at 12 at Talbot Hotel, Oundle. Richardson, Oundle
Thornton, Joseph, Emanuel Thornton, and Valentine Thornton, Accrington, Lancaster, Power Loom Cloth Manufacturers. Oct 27 at 3 at Mitre Hotel, Cathedral gates, Manchester. Walmsley, Darwen
Uren, Richard, Portnall rd, Harrow rd, Builder. Oct 30 at 2 at office of Mason, King st, Finsbury sq
Wade, John, Bishop Auckland, Durham, Draper. Oct 31 at 11.30 at office of Edgar, Silver st, Bishop Auckland
Wainwright, Thomas, High lane, Stockport, Chester, Farmer. Nov 2 at 11 at office of Salomonson, Kennedy st, Manchester
Walker, Jeruaha, Union st, Southwark, Licensed Victualler. Oct 26 at 4 at office of Wetherfield, Gresham bldgs, Guildhall
Wheat, Thomas, Raydon, Suffolk, Farmer. Nov 6 at 3 at Three Tuns Inn, Hadleigh. Pollard, Ipswich
Wilkes, Henry, jun, Studley, Warwick, Draper. Oct 27 at 3 at office of Plant, Cannon st, Birmingham
Williams, Hugh Dawking, Aberdare, Glamorgan, Grocer. Nov 1 at 12 at office of Parsons, High st, Bristol. Morgan and Co, Merthyr Tydfil
Williams, William, Walton, nr Liverpool, Builder. Oct 31 at 2 at office of Knowles, Cook st, Liverpool
Wilson, John, Liverpool, Boot and Shoe maker. Nov 6 at 3 at office of Lupton, Sweeting st, Liverpool
Yoads, Samuel, Birkenhead, Chester, Bread Dealer. Oct 30 at 2 at office of Thompson and Simm, Hamilton sq, Birkenhead. Bleakley and Downham, Birkenhead

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